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4 SELECT COMMITTEE TO INVESTIGATE THE
5 JANUARY 6TH ATTACK ON THE U.S. CAPITOL,
6 U.S. HOUSE OF REPRESENTATIVES,
7 WASHINGTON, D.C.

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11 INTERVIEW OF: HOPE HICKS

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15 Tuesday, October 25, 2022

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17 Washington, D.C.

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20 The interview in the above matter was held via Webex, commencing at 10:15 a.m.

21 Present: Representatives Aguilar, Lofgren, Murphy, and Cheney.

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2 Appearances:

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5 For the SELECT COMMITTEE TO INVESTIGATE

6 THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

7

8 [REDACTED], STAFF ASSOCIATE

9 [REDACTED], SENIOR COUNSEL

10 [REDACTED], STAFF ASSOCIATE

11 [REDACTED] SENIOR INVESTIGATIVE COUNSEL

12 [REDACTED], SENIOR INVESTIGATIVE COUNSEL

13 [REDACTED] CHIEF INVESTIGATIVE COUNSEL

14 [REDACTED], INVESTIGATIVE COUNSEL

15 [REDACTED] SENIOR COUNSELOR TO THE VICE CHAIR

16 [REDACTED] CHIEF CLERK

17 [REDACTED], INVESTIGATIVE COUNSEL

18 [REDACTED], SENIOR INVESTIGATIVE COUNSEL

19 [REDACTED] OF COUNSEL TO THE VICE CHAIR

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2 For HOPE HICKS:

3

4 ROBERT TROUT

5 NATALIE ENRIQUEZ

6 SCHERTLER ONORATO MEAD & SEARS

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8 SUITE 500 WEST

9 WASHINGTON, DC 20004

1

2 [REDACTED] Good morning. I'm [REDACTED] I am a senior investigative
3 counsel for the House Select Committee to Investigate the January 6th Attack on the U.S.
4 Capitol and also of counsel to the vice chair of the committee, Representative Liz Cheney.

5 We have a fairly large crowd, it looks like, from the select committee staff. I
6 can't see everybody, so I'll try and name the people that I've been able to see so far and
7 then ask people to let me know if they are there and I just can't see them, because I can't
8 see everybody who is in the conference room. But I think I've seen [REDACTED]
9 [REDACTED] among the staff.

10 And I believe [REDACTED] professional staff member, is there, but I can't see her.

11 Is there anybody else from the staff who is joining us? And it sounds like not.

12 Among members, I've seen the vice chair, Ms. Cheney, and Ms. Lofgren. I don't
13 see any -- oh, it looks like Mrs. Murphy has joined us as well.

14 The members may join and leave throughout this interview depending on their
15 schedules, so we'll try to make an effort just for the record to note if we notice a member
16 joining, but we might not always notice it. We're not going to try and say every time
17 they leave just because that's too hard to keep track of. So the record might not always
18 reflect exactly when members joined and left.

19 I see Robert Trout and Ms. Hicks. Would you go ahead, first, Mr. Trout, and
20 introduce yourself?

21 Mr. Trout. Yes, my name is Robert Trout. I'm a lawyer at the firm of Schertler
22 Onorato Mead & Sears in Washington, D.C.

23 [REDACTED] Okay. And is there anybody else, counsel, there with you that you
24 want to introduce?

25 Mr. Trout. Natalie Enriquez is here. She is a paralegal at our firm.

1 [REDACTED] Great. Thank you.

2 And, Ms. Hicks, can you introduce yourself?

3 Ms. Hicks. Hope Hicks.

4 [REDACTED] Great. And we have court reporters with us as well. As I'm sure
5 you know, the court reporters will be making a verbatim transcript of the interview. In
6 addition, we are recording this, both audio and video.

7 The court reporters, as I'm sure you understand, will need to get a verbal response
8 to each question, so just nodding or gesturing won't be reflected in the record although it
9 would be captured on the video. But because we need a clean record for the transcript,
10 we'd ask that you give a verbal response to each question.

11 You are here appearing in response to a request from the select committee, but
12 not a subpoena. So you're not under oath. But as I'm sure your very able counsel has
13 informed you, you do have an obligation to answer our questions truthfully even though
14 you're not under oath. If you were to knowingly give a false statement, that could be a
15 violation of Federal law.

16 So if you have any questions about one of the questions that we ask or if you can't
17 hear us, please just ask that we clarify.

18 If you ever need to take a break -- we'll try to take a break every few hours. But
19 if you ever need a break or want to confer with your counsel, either you or your counsel
20 feel free to speak up and we're happy to accommodate that.

21 Just to start off, first, do you have any questions about any of that?

22 Ms. Hicks. No, sir.

23 Mr. [REDACTED] Okay. And we've given your counsel copies of the exhibits, so you
24 should be able to have them in front of you if you want, but we will also try to show them
25 on the screen.

1 First, I'd like to show you exhibit 1. And as you can see there, that's an
2 October 24th, 2022, letter addressed to your counsel, Mr. Trout, from Richard Sauber at
3 the White House stating that President Biden has decided not to invoke executive
4 privilege with regard to the matters referenced in that letter.

5 Did you and your counsel receive that letter?

6 Mr. Trout. Yes.

7 [REDACTED] Okay. And it's now part of the record.

8 EXAMINATION

9 BY [REDACTED]

10 Q Ms. Hicks, I want to start off just by asking some questions about your
11 professional background. If you could just walk us through chronologically your
12 professional background leading up to your last position that you had at the White House,
13 the one you had on January 6th, 2021. You can just start with after college and tell us
14 about each of the jobs that you've had since then.

15 A Sure. So after I graduated college, I started to work and intern at a variety
16 of different PR and marketing firms. And then I landed at a firm called Hiltzik, which is a
17 PR firm that specializes in crisis communications, but also has traditional aspects of the
18 firm as well.

19 One of my clients while I was at that firm for 2 years was Ivanka Trump. And my
20 position with her led to me accepting a job at The Trump Organization in October of 2014.

21 And after just a few months there, Mr. Trump decided he would explore running
22 for President and then announced his candidacy in June of 2015, at which time I began
23 working on the campaign in addition to being the director of communications for The
24 Trump Organization.

25 My dual roles lasted until I departed New York for Washington in January of 2017

1 and worked at the White House for about 15 months.

2 Left some time after that. I took a job working at the Fox Corporation. And
3 then in March of 2020, I returned to the White House where I served as counselor to the
4 President.

5 Q And in that second time that you were at the White House, so starting in
6 March 2020 when you were counselor to the President, what were your job
7 responsibilities?

8 A A lot of it was a combination of strategic communications and managing
9 what the President's schedule looked like each day, how he spent his time and what the
10 messages surrounding any external-facing events or appearances, what that would look
11 like, and coordinating all of that with the various components of the White House.

12 Q And in addition to being counselor to the President, did you have another
13 title, like an assistant or deputy assistant to the President?

14 A I was an assistant to the President.

15 Q Okay. And as an assistant to the President, did you have what some
16 witnesses have called walk-in privileges to the Oval Office?

17 A It's not something that was ever told to me that I have this privilege, but yes,
18 I did have the ability to see the President as needed.

19 Q Okay. And did you report directly to the President or did you report to
20 somebody else?

21 A At that time, Mark Meadows was serving as the chief of staff. And I would
22 say that, while I did answer to the President, that I also worked through Chief of Staff
23 Meadows' office and worked very closely with Jared Kushner, who was a senior adviser to
24 the President.

25 Q Would you say that you reported to Mr. Kushner, either formally or

1 informally?

2 A Informally, yes.

3 Q And did anybody report to you?

4 A I had an assistant that reported to me. And all of the various components
5 of the White House each had teams that supported the efforts of any public-facing events
6 or activities the President was participating in, and I coordinated all of that. But they
7 each had their own -- ultimately their own bosses, managers that they reported up to.
8 So technically, no.

9 Q Okay. So before I turn to my next topic, which is going to be how you went
10 about collecting documents that you produced to the committee, I just want to pause to
11 see if either members or staff have any questions.

12 Okay. Hearing none, I'll continue.

13 Ms. Hicks, you produced --

14 Ms. Cheney. [REDACTED]?

15 Mr. [REDACTED] Yes?

16 Ms. Cheney. [REDACTED] I'm sorry. I just wanted to say good morning to Ms. Hicks
17 and to say thank you very much for joining us.

18 Ms. Hicks. Good morning. It's my pleasure.

19 BY [REDACTED]

20 Q Ms. Hicks, you produced documents to the select committee, so I want to
21 thank you very much for that.

22 Can you please describe the process by which either you or your attorneys or
23 anybody helped you with the search for and collected any documents that have been
24 produced?

25 A Sure. So I believe we had a sort of guide provided by you all in terms of

1 what the parameters were that you were looking for and we followed that.

2 Unfortunately, this is not my first time going through this process, so I've become
3 quite good at this and hopefully as thorough as you all would like.

4 Q I appreciate that. And it looks like what you've produced are text
5 messages. Are those from your personal cell phone?

6 A Yes.

7 Q Okay. And did you also, when you worked at the White House -- and just
8 for convenience, when I refer to working at the White House, unless I otherwise state, I'm
9 referring to your second tenure at the White House, the one from March 2020 on.
10 During that time, did you also have an official or White House-issued cell phone?

11 A I did, yes. I don't have access to any of those communications.

12 Q I understand.

13 Do you recall whether you sent or received texts from your official cell phone as
14 well as from your personal one?

15 A Very rarely. And I don't believe -- this might be wrong -- but I don't believe
16 we were able to do that with people outside of the White House. I'm not totally sure
17 about that. But for some reason I recall sort of limiting text messaging to people that
18 were also within -- also had a government-issued phone. I may be wrong.

19 Q And when you ended your tenure -- I'm sorry, did I interrupt you there?

20 A No, no. Go ahead. Sorry.

21 Q Okay. When you ended your tenure at the White House, did you turn that
22 official cell phone back in to someone at the government?

23 A Yes.

24 Q Okay. And then obviously you also had emails, you had a White House
25 email account. And we've received some of your White House emails from the National

1 Archives.

2 Did you keep any copies, whether electronically or in hard copy, of any of your
3 emails from your time at the White House?

4 A No, not that I'm aware of.

5 Q Okay. And as far as you know, are all those emails at the National Archives,
6 no reason to think otherwise?

7 A No reason to think otherwise.

8 Q Okay. And I assume, like anyone, you also probably had one or more
9 personal email accounts during the time period.

10 Did you use any personal emails -- email accounts -- for any matters or
11 communications related to January 6th or the effort to change the outcome of the 2020
12 election?

13 A I do have one personal email account. And I did use that personal email
14 account regarding campaign matters prior to the election to keep it separate from my
15 work at the White House. I believe we've produced anything I have.

16 Mr. Trout. I'm not -- yes, I'm actually not aware of any emails that fall into that
17 category.

18 Mr. [REDACTED] Okay.

19 Okay. So just to be clear, my understanding is you have not produced any emails
20 from Ms. Hicks' personal email account. So I just want to confirm, is that because you
21 have searched and determined there are not any such emails that would be relevant to
22 our inquiry or that you have not searched those?

23 Ms. Hicks. We did search them, but --

24 Mr. Trout. So there were some emails from -- or I guess from Dick Morris.

25 Ms. Hicks. Yeah, that I didn't respond to and that were -- I didn't even open

1 them. But I have them and we can produce those. But those would be the only thing
2 that I can think of.

3 [REDACTED] Okay. We can talk later, off the record, about those to determine
4 whether they sound like anything that the committee would have an interest in.

5 Ms. Hicks. Yeah. I'm happy to send whatever we have.

6 [REDACTED] Okay. I appreciate that.

7

BY N [REDACTED]

8 Q And did you use any other kind of messaging applications, like Signal or
9 anything else, during your time at the White House?

10 A No.

11 Q Did you ever send or receive a text message with President Trump himself?

12 A No.

13 Q Okay. And obviously he was well known for tweeting. But did
14 he -- separate question on texting -- to your knowledge, did he ever send or receive texts
15 while he was President?

16 A No, not to my knowledge.

17 Q Have you spoken to President Trump since he left the White House?

18 A Yes.

19 Q During those conversations, did you have any discussions about the events
20 of January 6th, 2021, meaning the attack on the Capitol?

21 A Not January 6th, no.

22 Q Okay. Did you have any discussions regarding the 2020 Presidential
23 election?

24 A Yes.

25 Q Okay. And do you recall roughly when those conversations were?

1 A Yes. October 2021 and March and April of 2022.

2 Q Okay. Let's start with the first one, October 2021. Can you just tell us
3 about that, whether it was in person versus phone, anybody else who was involved, and
4 what you can recall about what was said?

5 A Yeah, sure. All three instances were in person. But the October 2021
6 discussion came up in the context of a recent rally that he had held. And he asked for
7 my thoughts about the rally. And my advice was that it wasn't helpful to continue
8 talking about the 2020 election and making it such a large portion of the speech content.

9 Q Okay. And what was his response, if any?

10 A He responded that he felt that it was something that his voters cared deeply
11 about and that it was difficult to just stop talking about it altogether for that reason, but
12 that he appreciated the point I was making about limiting the content rather than making
13 it the centerpiece.

14 Q Okay. Anything else about that conversation you can recall related to the
15 election?

16 A No.

17 Q Okay. Can you similarly tell us about the March and April conversations?

18 A The March conversation came up -- the 2020 election came up because Dave
19 Bossie was there for a meeting with the President about a film that he had produced and
20 interviewed the President for. The premise of the film, I believe, was regarding some of
21 the donations that Mark Zuckerberg had made prior to the election and how that sort of
22 impacted the voting in various areas around the country.

23 Q Okay. And who was there? You, Mr. Bossie, President Trump. Anybody
24 else?

25 A No.

1 Q And where was that?

2 A In the President's office at Mar-a-Lago.

3 Q Okay. And what do you recall the President saying?

4 A Honestly, we were -- gave -- I was there for something else and I was WAVEd
5 into this meeting. So Dave was doing a prescreening of the video for the President so
6 there wasn't a ton of discussion. It was more comments on the film itself and like
7 editing notes. So that was the premise of the conversation.

8 Q Okay. And did you give any advice to the President?

9 A Not that I can recall.

10 Q Okay. What about the -- tell us about the April 2022 conversation.

11 A The April 2022 conversation was with the President and Dave McCormick,
12 who was a candidate for Senate in Pennsylvania. This was during the primary. Susie
13 Wiles was part of the conversation as well from the President's office in Mar-a-Lago.
14 And 2020 came up in the sense that the President was encouraging Dave to make this a
15 focal point of his campaign and sort of establishing his belief that it was difficult for a
16 Republican to win a primary if they weren't committed to talking about election fraud and
17 what took place in 2020.

18 Q And what was Mr. McCormick's response?

19 A You know, Mr. McCormick repeated what he had said publicly, which is that
20 there were some irregularities, specifically in Pennsylvania, the State where he was
21 running for office, that were concerning and that as an issue election integrity should be
22 addressed and discussed, not censored, so that everyone has confidence and trust, but
23 that he wasn't able to say the election was stolen and wasn't going to say that publicly.

24 Q And how did the President respond to that?

25 A You know, he sort of just kept the meeting moving along. He made a

1 reference to the fact that one of McCormick's opponents was willing to say that. And
2 we kept the meeting moving along intentionally.

3 Q Did the President ever say whether or not Mr. McCormick's position would
4 affect whether the President would endorse Mr. McCormick or his opponent?

5 A It wasn't as explicit as the way you just said it, but I relayed the part of the
6 conversation I can remember and I think you can gather what was being implied.

7 Q Okay. Is it fair to say that the purpose of the meeting was that
8 Mr. McCormick was requesting the President's endorsement?

9 A No, that was not the purpose of the meeting. I think they've had a
10 relationship and it was sort of getting to the point in the race where it was important for
11 them to have a conversation.

12 And I think ideal in Mr. McCormick's mind the President wouldn't have endorsed
13 either candidate. And I think that was his request, which was just like stay neutral and
14 let the people of Pennsylvania decide this one.

15 He felt very confident. And I think he felt like the President had already weighed
16 in on the race with a previous endorsement of someone who had to withdraw and it
17 wasn't necessary for him to weigh in again and that everyone would be better off if the
18 people of Pennsylvania decided who would be their best representative.

19 Q And so aside from the conversations that we've just talked about in
20 October 2021, March 2022, and April 2022, do you recall having any conversations with
21 the President about the 2020 election or the events of January 6th since he left office?

22 A No.

23 Q Okay. Have you had any discussions with President Trump about the
24 testimony you are giving here today?

25 A No.

1 Q Aside from any conversations you've had with your attorneys or your family
2 members, has anyone talked to you about the testimony you are giving today?

3 A No.

4 Q Is anybody other than you or family members paying your attorney's fees?

5 A No.

6 Q Aside from what's been reported in the media, do you have any knowledge
7 regarding whether President Trump retained any documents, whether at Mar-a-Lago or
8 elsewhere, related to the January 6th attack on the Capitol or efforts to overturn the
9 results of the 2020 Presidential election?

10 A No.

11 Q Okay. So I should have asked you this earlier when we were going through
12 your professional background. What have you been doing professionally since you left
13 the White House?

14 A I'm a communications consultant. I have my own company and work with
15 individuals, candidates, companies. Yeah.

16 Q Okay. Is President Trump or any of his political or business organizations a
17 client?

18 A No.

19 Q So you don't have any ongoing professional relationship with President
20 Trump?

21 A I do not, no.

22 Q Okay.

23 I will pause there to see if any staff or members have questions.

24 [REDACTED] Hey, [REDACTED] it's [REDACTED] I have a couple of things, unless any of the
25 members have questions.

1 [REDACTED] Yes.

2 BY N [REDACTED]

3 Q If not, Ms. Hicks, I'm [REDACTED] I'm the chief investigative counsel. So I
4 also want to echo Ms. Cheney's and [REDACTED]'s thanks for you being here. We really
5 appreciate it.

6 You mentioned briefly when you were talking about the people who were present
7 with you at these meetings Susie Wiles. I was wondering if you could just talk a little bit
8 more about her role currently within sort of The Trump Organization. Does she run the
9 Save America PAC or what do you understand her role to be?

10 A I don't know what her title is. But I believe she's overseeing a lot of the
11 President's political activities. I don't know exactly what that entails. But she was in
12 the meeting I mentioned because there was a potential candidate -- a candidate for
13 Senate in the midst of a contentious primary in the room and makes sense for her to join
14 things like that. I think it's probably something she does regularly.

15 Q So that's kind of typical of her role, she's helping the President manage his
16 sort of post-Presidency political activity, appearances, that sort of thing?

17 A That's my understanding. Again, I have no specifics. So I don't know what
18 exactly her title is or parameters of the role as outlined for her. But generally what you
19 described sounds accurate.

20 Q Okay. Did she have any role in the White House when President Trump
21 was in office that you're aware of?

22 A No, I don't believe she ever was a government employee.

23 Q I see. All right. And do you know anything about her involvement in
24 arranging legal fees for witnesses that the committee's interested in speaking to or in any
25 other legal proceeding?

1 A No, I don't know anything about it.

2 Q Okay. All right. That's all I have. Thank you.

3 [REDACTED] Great. Does anybody else have any questions?

4 BY [REDACTED]

5 Q Okay. We'll keep moving here.

6 So, Ms. Hicks, you've produced documents to us. We're going to go through
7 some of those in some detail. We'll also ask you about some things that have been
8 publicly reported, whether in the news media or in the various books that have come out
9 about President Trump, his Presidency.

10 Just to be clear, when we see something in a book or in the media we don't
11 necessarily take it as a fact or as part of our record, but we will ask you about some of
12 those things to see if you can either confirm or deny some of these reports.

13 But before I go into some of the specifics, I want to sort of step back and ask you
14 something a little more general, which is it has been publicly reported that at some point
15 you came to believe that President Trump should stop challenging the results of the 2020
16 Presidential election.

17 For example, in the book called "I Alone Can Fix It," it says, "In the week of
18 November 9th, Hicks tried to wean Trump from his claims of a rigged election."

19 Is it accurate to say that at some point you urged President Trump to stop
20 challenging the results of the 2020 Presidential election?

21 A It's accurate to say that I believed past a certain point, once the appropriate
22 legal challenges were pursued, that it was in everyone's best interest to focus on the
23 accomplishments of the administration and preserve the President's legacy, rather than
24 continue down a path which I believed was pointless.

25 Q And do you recall at what point you came to that conclusion?

1 A You know, I came to the conclusion that I didn't believe the results would be
2 overturned and that Joe Biden was the President on November 7th and that it was
3 important that we hold our heads high and behave in a way that was, I think, aligned with
4 the accomplishments that the administration had achieved and make that what people
5 remembered.

6 But I also understood that it was reasonable to assume that there were some
7 questions about the election process given the changes that were implemented due to
8 COVID and that having legal challenges made is not irregular. So giving a window of
9 time for the President and his legal team to do that felt like the right thing to do. And
10 then, at the end of whatever that window was, 2 or 3 weeks, that we would all feel
11 satisfied that we had done everything we could and we could move on accordingly.

12 Q You've mentioned November 7th. I believe that was the Saturday after the
13 2020 election. And I think it was also the day that the major media networks or media
14 outlets, including the Associated Press, called the election in favor of Vice President
15 Biden.

16 Was that part of why you mentioned November 7th as a significant date?

17 A Yes, yes. After he was declared the winner, in my mind, it was very unlikely
18 that that would be changed.

19 Q Okay. Even through litigation. Is that correct?

20 A Yes. Certainly unlikely, but if there were legitimate challenges to be made
21 the President and his team had every right to do that.

22 And like I said, it's not like it's something that's never been done before. So I
23 was -- I understood that that was going to happen. And even if, in my mind, it was
24 unlikely that anything different would be -- anything would be different in terms of the
25 outcome, I understood why it was going to happen.

1 Q And I don't want to put words in your mouth because I don't remember the
2 exact words you used, but I think you said something about some period of time in which
3 it was reasonable for there to be legal challenges. But was there a point at which you
4 thought that that should end?

5 A Yeah. I don't know what I felt was the endpoint in that particular moment;
6 2 to 3 weeks seemed reasonable.

7 I think there was a decision, I don't remember the specifics of it, but sometime
8 around Thanksgiving there was a decision made by one of the courts that the legal team
9 had filed something with that was pretty clear-cut about the lack of evidence being
10 offered and the steps forward being limited. And, in my mind, at that point it was -- it
11 was over before, but it was really over now.

12 Q And did you see there being any harm to the President and his team
13 continuing to contest the results of the 2020 election?

14 A Not during this time period of this 2- to 3-week, let's call it, grace period.
15 No, like I said, that this has been done before by other people. And it's -- I think
16 anybody else in a position where there were questions about certain aspects of the
17 process would pursue any legal remedies available to them and I didn't have an issue with
18 it. And that's how I felt about it at the time.

19 Q But at some point later did you start to have concerns about the President
20 and his allies continuing to contest the results of the election?

21 A I just thought that it was -- I just didn't see the point to it after a certain
22 period of time.

23 Q To your knowledge, did President Trump ever acknowledge that he'd lost the
24 election?

25 A I don't believe so, no.

1 Q Okay. There have been public reports that the President, while watching
2 television and seeing Vice President Biden on -- this is after the election -- that he
3 reportedly said, "Can you believe that I lost to this F'ing guy?" Did you ever witness the
4 President say anything like that?

5 A Yes. But the reason I answered the question prior to that in the way I did is
6 that it was usually followed up with some kind of statement, like, "There's just no way,
7 there's no way I lost to him."

8 So I just -- I don't -- I don't ever recall hearing the first part of that without the
9 second part. So I just -- to me, it's all one statement and sort of the conclusion is it
10 didn't happen.

11 Q Okay. I'm going to go back a little bit chronologically.

12 According to a book called "Frankly, We Did Win This Election" by Michael Bender,
13 you attended a meeting on July 20th of 2020 in the Oval Office with some pollsters. I
14 think it was John McLaughlin and Tony Fabrizio and several other people were there. I
15 think it may have been Bill Stepien, Jason Miller, Brian Jack, Dan Scavino, Jared Kushner,
16 Mark Meadows, and Stephen Miller.

17 Does that sound familiar to you?

18 A Yes.

19 Q According to Bender's book, "Fabrizio's message was clear: The President
20 was on the wrong side of COVID, no longer did the China virus rhetoric work, it had run
21 out of shelf life. But the President suddenly went from sourness to delight, an
22 inspiration. He had another way of dealing with COVID. If the Democrats were using
23 COVID against him, he would use it against them. They could just use COVID as a reason
24 to delay the election. 'People can't get to the polls. It's a national emergency.
25 Right?'"

1 Do you recall whether President Trump ever suggested delaying the 2020
2 Presidential election?

3 A No.

4 Q Okay. Do you remember anything along the lines of what I just described
5 to you from Michael Bender's book?

6 A I remember it being conveyed to the President that the polls were showing
7 that COVID was an issue, obviously top of mind with voters, but it was specifically an issue
8 for him in terms of things like leadership and likability and how he was handling it, and
9 that being conveyed to him by Tony Fabrizio. But I do not recall any other part of what
10 you described.

11 Q So you don't recall during that meeting the President suggesting that the
12 Presidential election could be delayed.

13 A I don't, no.

14 Q Okay. Do you recall what the general message was from the pollsters?
15 Did they give the President and others who were there a sense of what the President's
16 chances were of winning reelection?

17 A You'll forgive me, we had a lot of meetings like that. You know, specifically
18 this July 20th meeting, I don't remember anything remarkable about it in terms of what
19 was conveyed to him politically other than what I described in terms of COVID and his
20 handling of that increasingly becoming an issue that he would have to make some
21 adjustments on.

22 Q So leaving aside specifically the July 20th, 2020, meeting, in general, leading
23 up to the 2020 Presidential election, what message were the pollsters or the campaign
24 team giving the President about his chances of being reelected?

25 A I mean, it was different any given week, but I think the more the President

1 talked about his accomplishments, what he achieved during his 4 years in office, what he
2 planned to do if given another 4 years, and things like the economy, his approach to
3 foreign policy, and just generally other real issues, the better he did.

4 Q Okay. But do you recall any sort of bottom line conclusions about whether
5 the President was likely or unlikely to get reelected?

6 A Like I said, I think it could change on any given day, right? I don't recall one
7 specific meeting where someone said, "You're going to lose unless you do X," or, "You're
8 going to win unless Y happens." Typically it's not something that that pollsters do,
9 especially so far out. We're talking about July. But --

10 Q And as you got closer to the election, did the pollsters or the campaign team
11 give the President any opinions as to whether he was leading or trailing in the race
12 against Vice President Biden?

13 A I think that there were a lot of factors outside of just the pollsters, the
14 momentum that people felt, the crowd size at events. I don't think it's just what the
15 polls say, even our own. I think there's a lot of factors that play into it. But I think the
16 team felt fairly confident going into the last 2 weeks of the campaign -- 3 weeks, the last
17 3 weeks.

18 Q Okay. I'm going to go back to that Michael Bender book, "Frankly, We Did
19 Win This Election." According to Bender, there was a debate prep session at his golf
20 club in Bedminster, New Jersey, that Governor Chris Christie attended.

21 Did you also attend any of the President's debate prep sessions in Bedminster,
22 New Jersey?

23 A I'm not aware of any prep sessions that took place in Bedminster. Are you
24 sure you're referring to 2020 or 2016?

25 Q 2020. And the reason I'm asking about this is similar to what I was asking

1 about before.

2 According to Bender's book, he, during debate prep in Bedminster, New Jersey,
3 the President said, "'I'm thinking about calling it off,' said Trump, as though without much
4 thought."

5 "'The prep?' said Governor Christie."

6 "No, the election. Too much virus."

7 "'Well, you can't do that, man,' said Christie, a former U.S. attorney, half
8 chuckling. 'You do know you can't declare martial law.' Christie followed up, 'You do
9 know that, right?'"

10 Do you recall that happening?

11 A I wasn't present in any debate prep sessions that took place at Bedminster,
12 and no.

13 Q Okay. Did you hear anything about the President suggesting that the 2020
14 election could be postponed?

15 A No.

16 Q Okay. The President made several statements, public statements, about
17 fraud or potential fraud in the 2020 election, even before the 2020 election itself.

18 Did you have any conversations with the President about those statements?

19 A Yes, but nothing that didn't reflect exactly what he said publicly.

20 Q Okay. Did you give him any advice as to whether he should or should not
21 be making those statements?

22 A There was a conversation I recall, I think in June of 2020, that several other
23 individuals were part of where there was an effort to have the President be more
24 nuanced in his criticism of mail-in or absentee ballots. I think there was some concern
25 that we were potentially cannibalizing our own votes if we were going to deter people

1 from voting in that way.

2 Q Meaning the President's own comments could deter his own supporters
3 from voting early. Is that right?

4 A Yes.

5 Q Okay. And do you remember who expressed that view?

6 A It wasn't expressed to me, it was expressed to the President. I was part of
7 the conversation with several other people. I believe Ronna McDaniel was part of it
8 from the RNC, Brian Jack, Bill Stepien, Brad Parscale. Those are a few of the people I
9 remember participating.

10 Q And how did the President respond to those suggestions?

11 A I think he understood that a lot of people vote via absentee ballot in places
12 like Florida and have for a long time and that it's worked fine.

13 I think his concern was just that if we're starting this process in places that have
14 never done it before it could become chaotic. And that was the point of the discussion
15 and that was sort of where it ended.

16 Q Okay. Do you remember anything about what the President said?

17 A I just told you that, that he understood that absentee ballots were different
18 than sort of mass mail-in ballots and that he would observe that nuance in the future, but
19 that his concern that we were implementing a new process in many places that did not
20 previously have mass mail-in ballots or absentee ballots could create a lot of confusion
21 and be challenging.

22 Q Did you ever hear the President say before the 2020 Presidential election
23 that he was going to declare that he won regardless of the outcome?

24 A Maybe, but not -- not in the sense like this is the plan and let's mobilize. It
25 was more of a statement, like just kind of what you do in politics, like you have a press

1 release that you send out, it's already been written before a debate is over saying you
2 won. And it's a tactic just to sort of keep the momentum on your side.

3 And I didn't think he meant it seriously, and I didn't take it that way, nor do I
4 think -- I'm not aware of any others that did either.

5 Q So you can leave aside your own impressions of what he was actually
6 thinking, because I can't expect you to testify as to the President's thoughts. But to the
7 best of your recollection, what were the words that he used in any conversations where
8 he suggested he was going to declare himself the winner regardless of the outcome?

9 A I think it was in the context of there was a lot of media reporting about the
10 fact that on the night of the election that he would -- that President Trump would look
11 like the clear winner because most mail-in ballots are counted after "day of" ballots and
12 that the trend is the Republicans vote day of, Democrats maybe vote by mail via
13 early -- via -- yeah, sorry, earlier via mail. And so, I think it was in the context of that
14 reporting. Yeah.

15 Q And do you remember what the President said?

16 A Something to the effect of what you said, we'll declare we won.

17 Q Do you remember roughly when that was?

18 A I don't, I'm sorry, I really don't.

19 Q Do you remember where you were when he said that?

20 A No. And again, it was an unremarkable thing to me. It wasn't a plan to be
21 executed. It was like a musing from him. And it didn't seem concerning.

22 Q Do you recall who else was there when the President said that?

23 A I don't.

24 Q Do you remember if he said it more than one time?

25 A I don't know.

1 [REDACTED] I'm going to pause there to see if any staff or any members have
2 follow-up questions.

3 [REDACTED] I have a few questions, [REDACTED] if that's okay. Can you hear me?

4

BY [REDACTED]

5 Q Good morning, Ms. Hicks. I just had a few other questions about the things
6 that [REDACTED] covered.

7 First, earlier you mentioned coming to the understanding that the election
8 outcome would not change and that Vice President Biden would become the President
9 and that you came to that understanding on November 7th.

10 Did you ever form a belief about whether there was evidence of fraud or
11 irregularities in the election sufficient to have an effect on the outcome?

12 A I don't know when it was, but at some point over the next couple of weeks it
13 became clear that there was not enough evidence being presented in any of the legal
14 challenges made by the President's team to demonstrate fraud on a scale that would
15 have impacted the outcome of the election.

16 Q And did you ever have a conversation with President Trump about whether
17 there was evidence of fraud in the election?

18 A You know, I'm sorry, I'm struggling a little bit. It's been a little bit of time
19 and it's difficult to remember things that you're actually remembering or conflating with
20 things you've heard and read.

21 I believe that at some point we had an exchange about that in a sort of vague way,
22 but it just wasn't something that I was involved in. I wasn't tracking what the legal team
23 was doing. I wasn't involved in the discussions about what the strategy was or how they
24 were presenting things either in court or the court of public opinion. I just wasn't part
25 of it.

1 Q If it's helpful, I can read you a few things that you can react to and see if they
2 jog your memory.

3 A A few books have reported that you were part of a conversation with President
4 Trump sometime in the week of November 9th, so this would have been the first week
5 after the election and the week sort of after the Saturday when the election was called.
6 And I'll summarize these since there's more than one account of it.

7 But more or less the reporting is that you made a case to President Trump that it
8 was not worth continuing to pursue election challenges and that he should focus on his
9 legacy.

10 He disagreed with that and said that you weren't aware of all of the evidence of
11 fraud that was coming to light and that he was hearing about.

12 And then this is a reporting from Carol Leonnig's book, but she reported that you
13 responded, "'Well, then, we need to produce the evidence,' Hicks said. 'If there's
14 evidence, I'm open to a discussion about how to do this tactically and strategically, but
15 we've got to step up to the plate.'"

16 Do you remember any sort of conversation with President Trump that sounds like
17 that?

18 A Yes. I don't know when it took place. I don't know that that date is
19 accurate. But there was a conversation where sort of what was just described
20 happened. I can't remember what the -- how the conversation began, but that my
21 general point of view about claims of fraud was, if they exist and we have evidence to
22 show that they are real, then let's build a strategy around that. But I haven't seen
23 anything to demonstrate that there's enough material for a strategy. You know, it had
24 been a couple of one-offs so far and nothing that was going to stand up in court certainly.

25 Q And how did President Trump react when you told him that?

1 A That I believe that particular conversation ended with him assuring me that
2 that's what the team was working on and that the legal team had it under control, which I
3 was satisfied with because I really wanted to not participate in this process.

4 And, yeah, we had another conversation that wasn't so much about examples of
5 fraud, but just that he sort of pointed out to a group of people that I didn't really buy into
6 these theories. And, yes, he knew what my position was.

7 Q Okay. So in this --

8 Ms. Cheney. Could we take a 5-minute break and then we'll come back?

9 N [REDACTED] Yes.

10 M [REDACTED] Sure.

11 Ms. Cheney. Thank you.

12 [Recess.]

1

2 [11:24 a.m.]

3

BY MR. [REDACTED]

4

Q So, Ms. Hicks, I'd like to show you exhibit 2. And it's now up on your screen, and you may have it in front of you as well. This is a text exchange that you produced with, as you can see there, John Yoo.

7

And I actually know John Yoo, but for the record can you state, who is John Yoo?

8

A John Yoo is a professor at Berkeley and a former lawyer with the Department of Justice.

10

Q And what role, if any, did he have with the Trump reelection campaign?

11

A He had no role. He's a friend. He wrote this piece, which is attached here in this text message, "What Happens If No One Wins?" which he said explains everything that could go wrong based on the, sort of, quote, "new rules" in place given COVID, and just wanted to give some friendly advice to the lawyers that would be part of the team working on any sort of pre-election legal structure and any election night challenges or post-election legal needs.

17

Q So, on October 19, 2020, it looks like Professor Yoo wrote, "Talked with Eric and RNC and campaign lawyers on Friday."

19

Who did you understand the "Eric" to refer to?

20

A Eric Herschmann.

21

Q And Eric Herschmann was an attorney working in the White House, correct?

22

A Yes.

23

Q Okay. And do you know the RNC and campaign lawyers -- do you know what lawyers he was referring to there?

25

A I don't know with the RNC, but the campaign lawyers would've been at least

1 Justin Clark, who I believe was part of that conversation with John, and potentially his
2 colleague Matt Morgan.

3 Q The next sentence says, "I briefed Jim on what we would add to the
4 post-November-3rd strategy."

5 And who did the "Jim" refer to?

6 A His name's Jim Donovan. He's a mutual friend. Jim is the person that
7 originally connected me with John and why John and I are friends. And he had no role in
8 this. It says, "I briefed Jim on what we could add to the" -- he just meant that he shared
9 this piece with him that he sent in this text.

10 And my recommendation was just to get in touch with the lawyers, because I
11 wasn't part of any of the legal efforts that were being explored and put in place prior to
12 and for the election.

13 Q Okay. So Mr. Donovan did not have any formal or informal role in the
14 reelection campaign or the legal team representing the campaign?

15 A No, he had nothing to do with this. It was just a passing mention that the
16 article was shared with him as well.

17 Q Okay.

18 And then, with the Professor, you wrote, "I briefed Jim" -- or, just scroll back up a
19 little bit, still in that same text message -- "I briefed Jim on what we could add to the
20 post-November-3rd strategy."

21 What was your understanding of what the post-November-3rd strategy was?

22 A I think it's just what happens if -- you know, exactly what his text message
23 says and what's outlined in the piece that he wrote publicly, which, truthfully, I didn't
24 read.

25 Q Okay.

1 A Sorry, [REDACTED]

2 Q That's okay.

3 A Not you.

4 Mr. Trout. Different "you."

5

BY [REDACTED]

6 Q Yeah. So this is going to get very confusing with a Mr. Yoo, Y-o-o, and --

7 A Yes.

8 Q -- the word y-o-u.

9 Okay. If we scroll down a little bit, Professor Yoo wrote, "Here's a piece of mine,
10 just posted, that explains everything that could go wrong. (Most of the options after the
11 vote are favorable for Trump.)"

12 And then you wrote, "Jim mentioned last night. Can you call Justin Clark again to
13 talk?"

14 And then scroll down a little bit more onto the next page. It said, "Can you call
15 Justin Clark again to talk about your idea?"

16 Do you remember what that idea was?

17 A Yes. Just the, I guess, whatever he outlined here in the piece, like, what the
18 options after the vote are that are favorable to Trump if there's no declared winner.

19 Q Okay.

20 A But I don't remember a specific idea other than that.

21 Q Do you recall whether any of these post-election ideas or strategies were
22 related to alleging fraud as opposed to different scenarios of, for example, nobody getting
23 a majority of the electoral college or something like that?

24 A Like I said, John Yoo is a friend, and any of his ideas would be legal, they
25 would be smart, and probably public. And we could get a good idea of what we're all

1 referencing in these 2-year-old text messages by looking up his article, which probably
2 would serve as a roadmap for this conversation. I'm sorry I didn't read it --

3 Q That's okay.

4 A -- at the time, but that is the premise of these messages. And there's
5 nothing else I'm aware of that John had in mind other than what he wrote publicly and
6 was trying to make sure the appropriate people on the Trump campaign saw, were aware
7 of, and could have a plan to execute on any of the ideas that he outlined in his public
8 article.

9 Q Okay. And I think you addressed this earlier, but Professor Yoo was just
10 offering his thoughts as a, whether a friend or supporter of President Trump, as opposed
11 to having any engagement representing the campaign or the President. Is that correct?

12 A Yeah. You know, Professor Yoo writes think-pieces like this on a lot of
13 topics where the courts might be in play. And I think, just as a friend, he was flagging
14 this one in particular for me and wanting to make sure it got into the hands of the legal
15 team on the campaign, which he was not himself previously connected with, as he had no
16 role in the campaign.

17 Q Okay. And, to your knowledge, he was never engaged to represent the
18 campaign. Is that correct?

19 A No. I believe the entirety of his involvement is captured here in these text
20 messages and those few phone calls, you know, noted in these messages as well.

21 Q Okay. We can take down the exhibit.

22 I'd like to ask some questions about election night 2020, so November 3, 2020.

23 Where were you on election night?

24 A I was at the White House.

25 Q Okay. And were you in the -- well, where in the White House were you?

1 A I spent the majority of the evening watching results in a room adjacent to
2 the State Dining Room. They had set up a TV, and it was sort of cordoned off from the
3 party happening elsewhere on the State Floor.

4 Q Okay. And did you talk to the President on election night?

5 A I did not.

6 Q Did you talk to Rudy Giuliani on election night?

7 A No, not to my recollection. I did see him, but I don't believe we spoke.

8 Q Were you involved in any conversations about whether the President should
9 declare victory on election night?

10 A No.

11 Q There have been public reports that the President, either directly or perhaps
12 through an intermediary, after FOX News called Arizona for Vice President Biden, asked
13 that you call Lachlan Murdoch from FOX. Is that true?

14 A I don't know what the President asked for, but that was not relayed to me.
15 I was asked to get the phone number of someone on the FOX News decision desk, and I
16 provided the phone number of Jay Wallace, who is the president of FOX News.

17 Q And who asked you for the phone number?

18 A I don't know. I think it was either Jason Miller or Mark Meadows.

19 Q Okay. And did you end up giving Mr. Wallace's phone number to one of
20 them?

21 A Yes.

22 Q Did you call Mr. Wallace?

23 A No.

24 Q Did you call Raj Shah?

25 A Yes, I did.

1 Q Okay. And who is Raj Shah?

2 A Raj is a former White House colleague who currently works at FOX
3 Corporation. And, actually, you know what? I don't even believe I called and spoke
4 with him. I may have just exchanged messages with him and asked for the decision desk
5 phone number and the right person there, and he replied that Jay was the best person to
6 speak to and sent Jay's number. So it was either via phone or text; I can't recall.

7 Q Okay. So you don't have any recollection of actually talking with Mr. Shah?

8 A I can't remember. I'm sorry.

9 Q Okay.

10 Did you talk to anybody else at either FOX News or FOX Corporation on election
11 night?

12 A No.

13 Q Okay. Do you remember -- or do you know whether anybody ended up
14 calling Jay Wallace?

15 A I don't know what happened after I provided the number.

16 Q Okay.

17 Were you involved in any conversations about what the President would say on
18 election night --

19 A No.

20 Q -- publicly?

21 A No.

22 Q Do you know why not? Wasn't messaging part of your portfolio?

23 A It was.

24 Like I said, I was watching in a room on the State Floor and periodically going
25 downstairs to the Map Room, where, like, sort of, the war room, I guess you would call it,

1 was set up -- all the maps and the data coming in.

2 And, I don't know, at a certain point in the night, I'm not sure exactly what time it
3 is, but it seemed like a lot of people from both those rooms made their way up to the
4 residence to speak with the President about the remarks that he would give. And I just
5 felt like there were plenty of people weighing in and there didn't need to be one more.

6 Q Okay.

7 Did you have a reaction when the President claimed victory that night, or early in
8 the morning of the 4th?

9 A I think, at that point, it was 3:30 in the morning, and I was just sort of trying
10 to get my bearings in terms of what was true and what wasn't -- you know, what
11 information we were still getting from the data team, what data was still yet to come in in
12 terms of votes to be counted and what precincts were still out, all of that.

13 I just didn't know enough to have a strong opinion about whether or not that was
14 the best thing to do. I'm typically a little bit more cautious, myself, so probably wouldn't
15 have been something I would've advised. But, you know, again, I didn't have a strong
16 opinion about it at that point in time just because there was still so much uncertainty.

17 Q Do you know whether anybody that night encouraged the President not to
18 claim victory?

19 A I'm sorry. I just wasn't part of the conversations upstairs.

20 Q Okay.

21 All right. I'll pause there to see if any members or staff have questions.

22 [REDACTED], I do quickly.

23 BY [REDACTED]

24 Q Good morning, Ms. Hicks. My name is [REDACTED] I'm a senior
25 investigative counsel for the committee.

1 Just going back to the exchange you had with John Yoo, when did you first meet
2 John Yoo, or when were you introduced to him from Mr. Donovan?

3 A May of 2019.

4 Q Okay. Unrelated to the President's reelection efforts, I take it?

5 A Yes. He lived in California. I lived in California. It was social.

6 Q One thing that Mr. Yoo discussed in the article that he sent to you and then
7 others in the pre-election period, so before November 3rd, was the possibility of the
8 campaign or the President asking State legislatures to appoint Trump electors in States
9 that he ultimately lost.

10 I know this topic's going to come up later after the election, but before the
11 election occurred, do you remember any conversations about that idea, about State
12 legislatures just appointing Trump electors in States he had lost?

13 A I'm sorry. Like I said, I didn't read the piece, and I'm not a lawyer, and I
14 passed John off to the people I thought could best speak to him about any ideas he had.

15 Q Okay.

16 And separate from Mr. Yoo or this specific piece that he sent to you, do you
17 remember Justin Clark or anybody else talking about this idea that States may have a role
18 to play in choosing the electors after the election, with the conversation specifically
19 before the election?

20 A I don't. I don't remember that.

21 Q Okay. Thank you.

22 Thank you, [REDACTED]

23 [REDACTED] Okay. Anybody else have questions?

24 Okay. We'll keep going.

25 BY [REDACTED]

1 Q So were you involved in post-election messaging about the election
2 outcome?

3 A No.

4 Q Do you know who was involved in that?

5 A Sorry, I just want to clarify. You know, from the time period of
6 November 3rd, election day, until November 7th, when Biden was declared the winner, I
7 was still in the loop in terms of what was happening and messaging. Now, I
8 wasn't -- you know, I don't want to say that my advice was followed, but I was part of
9 those conversations. And then, sort of, after November 7th I stopped being part of
10 those conversations.

11 I just want to clarify that those 4 days before we had a declared winner, you know,
12 I know that's technically after the election, but that's -- you know, there's a difference in
13 my mind.

14 Q No, I appreciate that. Thank you for the clarification.

15 So who else was involved in post-election messaging regarding the election
16 outcome?

17 A So, like I said, I'm happy to kind of do it in two phases, so the first part being
18 November 4th, 5th, 6th and then the morning of the 7th --

19 Q Uh-huh.

20 A -- and then thereafter.

21 So those first few days where we had no declared winner yet, it was, you know,
22 the campaign leadership team, Bill Stepien, Jason Miller, myself, Justin Clark, Matt
23 Morgan, Jared Kushner, Nick Trainer, Eric Herschmann. Yeah, those were sort of the
24 primary people involved.

25 And then after November 7th, I'm not totally aware of who was running point on

1 messaging, but I think it was part, sort of, the legal team that the President assembled
2 and -- yeah, I'm not sure who was sort of running point on that.

3 Q Okay.

4 According to Leonnig and Rucker's book, "I Alone Can Fix It," Jason Miller asked
5 you to hold back any election-related communications from the White House until the
6 campaign got its ducks in a row, and that Alyssa Farah was booked for an appearance on
7 FOX News the morning of November 4th but that Jason Miller asked you to stand down
8 and you conveyed that to Ms. Farah. Is that accurate?

9 A Yeah, that sounds right. Just sort of, like I said, you know, I think we left
10 the White House at 3:00 or 3:30 or 4:00 a.m. And I can recall Jason sort of wanting to
11 try to reconvene the group, get everyone on the same page about what the message was
12 at this point and, like, how we were going to provide updates as there was still counting
13 taking place in certain States. And, yeah, I remember him reaching out to me about
14 that.

15 Q Okay. And what was the message that he delivered?

16 A Like I said, I think he just wanted us to regroup and get on the same page
17 before we have, like, anybody doing one-off interviews and try to at least have some
18 consistency.

19 Q Okay.

20 So, then, multiple sources have reported that there was a call on the morning of
21 the 4th that included at least Jared Kushner, Bill Stepien, Jason Miller. Some people
22 were at campaign headquarters in Arlington, and some were participating by phone.

23 Did you participate in that call?

24 A I don't have a recollection of it, but it, you know, sounds like something that
25 I would participate in. I don't want to speculate, but I don't know why I wouldn't have

1 been on the call, so --

2 Q Okay.

3 A And I did go to campaign headquarters later that day. It probably wasn't
4 until around 11:00 in the morning, but I did go there.

5 Q And why did you go to campaign headquarters?

6 A There were no official White House events happening, and it was sort of an
7 all-hands-on-deck situation, in terms of, whoever could be helpful at the campaign
8 needed to be there.

9 Q Okay. And what did you do when you were there?

10 A We had a couple of different conversations that I remember, one of which
11 was about, you know, what is the path forward and what do we need to do legally to
12 position ourselves well. And, you know, Matt Morgan and Justin Clark were part of that
13 conversation. I believe Eric Herschmann was there as well; Jared Kushner.

14 And then at some point there was a conversation about certain people being
15 dispatched to the States, like Pennsylvania, Georgia, Arizona, Nevada, so kind of gathering
16 teams of people that could go and be on the ground in those States. So that took place.

17 And I think there was some confusion about who was part of the -- like, who was
18 part of the legal team at that point. I know Mayor Giuliani was present at the campaign
19 headquarters that day, as was Sidney Powell. I don't know what their plans were, but at
20 some point they were -- Rudy, at least, was dispatched, I believe, to go to Pennsylvania.

21 I think the rest of the team felt at that point that some of their suggestions were a
22 little bit of a distraction. I wasn't in any of the meetings long enough with those two
23 individuals to know what exactly was found to be distracting. But I think the core
24 campaign team staff felt like there were other priorities at the moment.

25 Q Okay. Can you remember anything about what was distracting about it?

1 A I can't. I'm sorry. I just wasn't -- you know, it was sort of like musical
2 conference rooms. We were in one room; we would go into another room. They
3 would come find us in another room; we would go into a different room. We were all
4 trying to do whatever we could to be helpful that day, and I just wasn't part of any
5 discussions with those individuals.

6 Q Okay. But when you refer to a bit of a distraction, was there a
7 disagreement over strategy or tactics?

8 A I'm not sure. I think it was just sort of a lack of a -- a lack of, you know, a
9 legitimate plan, a legitimate strategy that was actually feasible. But, again, I don't know.
10 I just wasn't part of the conversations with them.

11 Q Do you remember any conversations about messaging, in terms of whether
12 the President should continue to claim victory, which he had claimed, I guess, earlier that
13 morning?

14 A I don't remember any discussions about how to direct the President on
15 messaging, but there were a lot of discussions about what the campaign team and
16 surrogates, folks, people needed to be doing in terms of continuing to be positive and
17 provide updates when possible about the count or anything -- any positive information
18 that we could provide was important. And that was sort of the extent of what I was
19 aware of at that point.

20 Q And what was the general mood at campaign headquarters? Was there a
21 sense that the election had gone well or poorly for the President?

22 A Yeah, I think the mood was not somber, but, obviously, there was
23 disappointment, but still -- you know, and I think exhaustion -- but still trying to sort of
24 power through because it wasn't over yet.

25 Q Okay.

1 I'm going to pause there before I go to my next exhibit. Does anybody have any
2 questions?

3 Okay. Let's turn to exhibit 3, which we will put up on the screen.

4 Okay. And this is a text exchange between you and a DB, and under the initials it
5 says "Dave." Is this David Bossie?

6 A Yes.

7 Q Okay. And what was David Bossie's role with the campaign?

8 A I don't know what his official role was, but he was sort of a political advisor.

9 Q But he was an employee of the campaign; is that correct?

10 A I don't know.

11 Q Okay.

12 So it starts off -- and we can't see a date or time there, but you wrote --

13 A It's on election night.

14 Q It was election night?

15 A Yes.

16 Q Okay. So either, would you say, November 3rd or early in the morning on
17 the 4th?

18 A I believe it was still November 3rd. And I was just relaying to Dave what
19 information I had gotten from Raj, which I referenced earlier. And I thought that I had
20 sent it to Jason Miller, but apparently I sent it to Dave Bossie.

21 Q Okay.

22 A They were both downstairs in the Map Room, so --

23 Q Got it.

24 So you sent two phone numbers there. And then you wrote "Arnon Mishkin."
25 Then later, "Hang on, numbers are wrong. Sorry, that is contact info for Jay Wallace."

1 So those numbers were in fact phone numbers for Jay Wallace, correct?

2 A Yup. It was his office and cell number.

3 Q And who is Arnon Mishkin?

4 A He's one of the people that makes the calls on the decision desk, but -- or
5 did. I don't know if he still works at FOX, but he's, like, a television personality, pollster,
6 pundit-type person.

7 Q Okay. But this was all in response to the same request that we talked
8 about earlier where somebody asked you to get contact information for somebody at the
9 FOX decision desk, correct?

10 A Yes. All the same.

11 Q Got it.

12 Let's scroll down to the next page, so this ends in Bates number 004. So, on
13 November 5th, you wrote to Mr. Bossie, "Are you coming back here to manage this
14 process from HQ?"

15 What did that mean?

16 A The 5th was, what, Thursday?

17 Q Yes.

18 A I don't know.

19 Q Okay. Had he left the --

20 A I think just what I meant in the --

21 Q -- campaign?

22 A Yeah, I guess he had left -- we were at campaign headquarters. Maybe he
23 stepped out for a little while.

24 But I think "manage the process," the process I was referring to was coordination
25 between legal strategy, political apparatus, communications, et cetera.

1 And at some point on a phone call with the President, which I believe took place
2 the night before, the President had called Bill Stepien, and there were several of us in his
3 office, so we sort of did an impromptu conference call. He was on speakerphone. We
4 were in Bill's office. And I believe, at that point in time, the President was requesting
5 that Dave Bossie get more involved in helping to, you know, sort of, manage things.

6 Q Okay. And, in that call, did he also discuss what Kellyanne Conway's role
7 might be?

8 A The call with the President on the 4th?

9 Q Correct.

10 A Not that I recall. Not that I recall.

11 Q Okay. Let's -- oh, sorry, did I cut you off?

12 A Nope. Go ahead.

13 Q Okay.

14 Let's scroll down a little bit. You wrote, then, November 5, 2020, at 4:46
15 p.m. -- again, this is with David Bossie -- "Can you make sure Kellyanne is a big part of
16 your team? DJT loves the idea."

17 Do you recall what the basis was for you saying DJT, who I understand was
18 President Trump, loved the idea of Kellyanne Conway being involved?

19 A Yes. I mean, at some point during the day on Thursday, while we were all
20 working from headquarters, there was another conversation with the President, a group
21 phone call again. And I think he had asked who was going to be sort of out front, who
22 was going to be helping to message all of this -- you know, Jason Miller, Tim
23 Murtaugh -- people that had been on TV -- Kayleigh McEnany -- people that were going to
24 be able to go on TV and be spokespeople for whatever effort was being assembled, not
25 knowing, you know, when this would -- how long this process would take. And he

1 wanted Kellyanne to play a role as well.

2 Q And what role did Ms. Conway end up having?

3 A I don't believe -- this was at 5 o'clock on November 5th, and by 1 o'clock
4 p.m. on November 7th things had sort of wrapped up.

5 Q Well, they certainly didn't wrap up in terms of the President's efforts to
6 change the result of the election. So do you know if Ms. Conway ended up having some
7 role in messaging or strategy regarding challenging the results of the election?

8 A Not to my knowledge, no.

9 Q Okay. And when you said things kind of wrapped up, did you mean in
10 terms of your role?

11 A No, I just mean, you know, in terms of what's being conveyed here about
12 coordination between the legal strategy, political apparatus, communications and, like,
13 having a real process in place and identifying who the players are, just like you would with
14 any other major political project.

15 This, in my mind, was sort of like this time period between the election and there
16 being a definitive result. And then, you know, if there was enough information,
17 evidence, to challenge those results, that this could, you know, then be extended to that
18 phase as well.

19 But the reason I said, sort of, wrapped up on November 7th was, you know, we
20 then had a result. And then, you know, not too long after that, I think it became clear
21 that there wasn't enough evidence to change the outcome of the election. So this sort
22 of process, this apparatus that people had in mind, in terms of how to handle this time
23 period, was short-lived.

24 Q Can you explain that a little bit more to me? Because obviously I
25 understand, you know, what you've already said about your personal thoughts on the

1 election and how that evolved when the media called it for Vice President Biden, but was
2 there a change in what others were doing after the media called it for Vice President
3 Biden?

4 A I don't know. I don't want to speak for other people and how they viewed
5 the situation, if they viewed it differently. You know, to me, it was just, that was sort of
6 the end of that chapter.

7 Q Okay.

8 And when you wrote, "Can you make sure Kellyanne is a big part of your
9 team" -- again, this is writing to David Bossie -- do you know who ended up being on this
10 team and who was in charge of it?

11 A Nope.

12 Q Okay. Is that because nobody was in charge or you just don't know the
13 answer?

14 A I just don't know the answer.

15 Q Okay.

16 Then, in the text exchange, you and Mr. Bossie reference several prominent
17 attorneys. It appears they were being considered to help with litigation regarding the
18 election. Is that correct?

19 A Yes.

20 Q Okay. And I'll just go through them, and you can tell us what role, if any,
21 each of them ended up having.

22 One is Matt Whitaker, who I assume is former Acting Attorney General?

23 A Yes. I don't know what the role was that Dave was considering him for, but
24 I was passing along his information.

25 Q Okay. Do you know if he ended up having any role?

1 A I don't, no.

2 Q Okay.

3 Then there's a reference to "Miguel." Is that Miguel Estrada from Gibson Dunn?

4 A Yes.

5 Q Okay. And do you know whether he ended up having any role?

6 A I don't.

7 Q Okay.

8 And then, if we scroll down, there are some pictures of Noel Francisco, who I
9 recognized because he was my co-clerk. Did Noel Francisco, former Solicitor General, by
10 then I think perhaps back at Jones Day, did Noel Francisco end up having any role?

11 A Not that I'm aware of.

12 Q Okay.

13 And then on the page ending in Bates number 007, it says, "Ken can't do it."

14 Who is Ken?

15 A Ken Starr.

16 Q Okay. And do you know why he wasn't able to do it?

17 A No.

18 Q Okay.

19 And then later there's a reference to Paul Clement. Did Paul Clement end up
20 having any role?

21 A I think it would be easier if I listed the people I'm aware did have a role.

22 Q Sure. But, actually, before we do that, that was going to be the last one for
23 right now. So can you just answer whether you know whether Paul Clement had a role?

24 A I don't -- not to my knowledge.

25 Q Okay. So who did have a role?

1 A My understanding is the legal team consisted of Rudy Giuliani, Sidney
2 Powell, Jenna Ellis, and Boris Epshteyn.

3 Q Okay. But then all -- so there were other outside counsel involved in
4 particular cases in particular States and things like that. Is that correct?

5 A I'm just not aware of all the details. If you have something specific for me
6 to look at, I could let you know if I recognize anything. But, in my view, those are the,
7 sort of, the core legal team that the President assembled.

8 Q Well, that actually does help answer my question. So I know that, you
9 know, from looking at pleadings in particular cases, there are other people who got
10 involved, whether it was local counsel or otherwise. But what you just
11 described -- Giuliani, Powell, Ellis, and Epshteyn -- you think were the core legal team?

12 A That is my understanding.

13 I also -- I don't know if Justin Clark and Mark Morgan, who were the campaign
14 team lawyers, continued to play a role or for how long, you know, they continued to play
15 a role, if they were still involved. But those would be the other two people that, you
16 know, would be part of, sort of, the team that I was aware of.

17 Q And I just want to clarify. I think you may have said "Mark Morgan," but
18 that was Matt Morgan. Is that correct?

19 A Yes. Sorry. Yes. There's a Mark Morgan as well, totally unrelated, so --

20 Q Okay. But this one you were referring to, you meant Matt Morgan?

21 A Yes. Yes. I apologize, to you and to Mark Morgan.

22 Q No need to apologize.

23 So there was reference earlier to "Eric," which you explained was Eric
24 Herschmann, who was an attorney in the White House. Did he have some sort of
25 informal role in the legal team for the campaign?

1 A I'm not sure. You know, sitting here now, I don't know what the
2 arrangement was then. I just assumed that it was, you know, like myself and Jared
3 Kushner, where we were employed by the White House but that on our personal time,
4 you know, we could help with the campaign.

5 Q And do you recall, did you have to use leave or anything like that when you
6 did campaign-related work?

7 A I can't remember what the exact arrangement was.

8 Q Okay.

9 Let's go to the page on that text exchange ending in 007. So, again, this is back
10 on exhibit 3.

11 And, yep, that's it at the bottom of the screen there. You can see Mr. Bossie
12 wrote on November 5, 2020, 10:31 p.m., "On the plane spoke to POTUS. He seemed
13 good with the Arizona news. We need our comms folks to push the Arizona narrative
14 more. No one is really talking about it, and it's good news."

15 Do you know what the Arizona news was that Mr. Bossie was referring to?

16 A I don't, but since this was November 5th, which is Thursday, you know, they
17 were still counting. So my best recollection is that, you know, there were a couple of,
18 sort of, like, glimmers of hope over those few days, where it was like a batch of votes
19 would be counted from a certain county and we would've gotten the majority of the
20 votes, percentage-wise, or something like that, and it would help our tally go up.

21 Q Okay.

22 A So it's probably something like that, but I can't recall exactly.

23 Q And then, for context, as we talked about earlier, FOX News had called
24 Arizona for Vice President Biden on election night, but sounds like those were still being
25 counted. And is it fair to say that this news was there was some reason to believe there

1 was still hope for President Trump in Arizona?

2 A Yes. And, you know, I wasn't -- I don't think I participated in the data call,
3 but there was a -- I believe there was a call that was held either on the 4th or the 5th with
4 people like Jason Miller and Bill Stepien and Tim Murtaugh, some members of the press,
5 where they gave sort of a briefing on the campaign's view of the status of Arizona and
6 why the campaign believed the call was wrong, it was too early, and that President Trump
7 could still very well win Arizona.

8 So this was a message that was being pushed publicly, and my understanding at
9 the time was that it was based on real data. And, later on, I think that the -- you know,
10 that it -- the conclusion was sort of just that our data was off, was off for the year, just
11 based on a lot of the factors that were more of variables than perhaps previously
12 thought.

13 But I really -- I believe, you know, the data team and, you know, the campaign
14 team were very much convinced that Arizona was still up for grabs at this point.

15 Q And do you know -- I apologize if you've already answered this. Do you
16 know whether anybody from the White House or the campaign ended up talking to
17 anybody at FOX News about the decision to call Arizona for Vice President Biden?

18 A I don't know who talked to who.

19 Q Okay.

20 And then when Mr. Bossie wrote, "On the plane spoke to POTUS," did Mr. Bossie
21 convey anything to you about his conversation with President Trump other than what's
22 on the face of the text itself?

23 A Not that I recall.

24 Q Okay.

25 Let's scroll down all the way to the end of this. And Mr. Bossie wrote, "How is

1 Mark Meadows doing?"

2 You wrote back, "That would be great about Paul," referring to Paul Clement,
3 who's in the earlier text in the thread. "I think Jared and Eric and Bill are trying to get a
4 hold of everything."

5 "Jared" I assume is Jared Kushner. Is "Eric" Eric Herschmann or Eric Trump or
6 somebody else?

7 A I think Eric Herschmann.

8 Q Okay. And who's the "Bill"?

9 A Bill Stepien.

10 Q Okay. And do you know what you meant by "trying to get a hold of
11 everything"?

12 A I think just, like, trying to get a handle on the situation.

13 Q Okay. So generally. You don't recall something specific that you're
14 referring to there.

15 A No.

16 Q And then Mr. Bossie writes back, "Meadows?" And then your response
17 there is obscured by some, looks like, iPhone stuff.

18 Do you recall in general what your response was when he followed up again and
19 asked about Mark Meadows?

20 A Yes. I responded, "Yes. He is definitely helping."

21 Q Okay. And, obviously, Mr. Meadows was the White House chief of staff at
22 the time. What was the reason for the inquiry about Mark Meadows, as far as you
23 recall?

24 A I believe it was, [REDACTED], so he was
25 not in the office with us. And so I wasn't sure if I was supposed to be telling anybody

1 that, so I -- you know, I couldn't tell if Dave was asking how's he doing in terms of
2 managing all of these post-election efforts or how is he feeling. So I just replied that he
3 is helping, which was --

4 Q Okay.

5 A -- true. He was still trying to be helpful from home.

6 Q So it sounds like you carefully avoided any HIPAA violations. But what was
7 Mr. Meadows's role, in general, to your knowledge, in the post-election challenges to the
8 outcome of the election?

9 A Pre-November-7th or post-November-7th?

10 Q Let's do both, to the extent you know.

11 A Pre-November-7th, I believe he was still -- I believe he was at campaign
12 headquarters on the 4th. And maybe by the 5th he was out sick, but he was still trying
13 to be helpful, joining via phone.

14 And then, you know, post-November-7th, you know, I don't really have a
15 recollection just because, in terms of, like, that first week, he was obviously still out sick,
16 and I was sort of taking a step back. But, you know, I believe that once he came back
17 ██████████ that he was involved in, sort of, the day-to-day activities that were happening
18 with the President and his legal team.

19 Q Do you recall whether Mr. Meadows, as far as you know, had a view as to
20 what should be done, in terms of how aggressively to challenge the results of the 2020
21 election?

22 A I don't recall having a conversation with Mark about that, so I don't want
23 to -- I don't want to put words in his mouth. But, you know, based on what transpired
24 over the next couple of weeks, I think he was closely aligned with the President.

25 Q Were differences of opinion starting to emerge -- and you can answer this

1 pre-November-7th and post-November-7th -- among staff, whether White House senior
2 staff or campaign staff, as far as whether the President should continue to challenge the
3 results of the election?

4 A I think pre-November-7th there was really no dissent in terms of the fact
5 that we should continue to, you know, do whatever we could be doing to be organized
6 until there was a winner declared.

7 And, you know, after that, if there are any -- you know, certainly if there's
8 evidence of any fraud that took place, that it's the President's right to file legal challenges
9 and ensure that everything was fair, you know.

10 Q What about after November 7th? Were there different camps that started
11 to emerge as far as what should be done and what the strategy should be?

12 A Yeah. Like I said, I think that there was an almost universal view that
13 certainly, if we had all of these, you know, many examples of fraud, then there should be
14 a legal remedy that could potentially be pursued and that the President had the right to
15 do that, as others before him have.

16 But I think the way that that would be pursued was, I think, something that people
17 had different points of view on. And the amount of time that would be pursued was
18 something people had points of views on. And what would be happening
19 simultaneously, in terms of any transition efforts or things like that, I think people
20 had -- definitely had different points of view on.

21 Q Okay. Is it fair to say that, at some point, whether November 7th or later,
22 you were more of the view that it was time for the President to stop talking about fraud
23 and to move on?

24 A Not on November 7th. Like I said, I think earlier in our discussion today I
25 said that I really felt that, you know, he had every right to pursue legal remedies available

1 to him. And, in my mind, that was probably, like, a 2- to 3-week sort of, like, grace
2 period, we'll call it.

3 Q Uh-huh.

4 A But, after that, I felt that it was important to -- yeah, to move on.

5 Q And --

6 A I --

7 Q -- do you know who else -- oh, sorry. I didn't mean to interrupt you if you
8 had more.

9 A I just felt like it was extremely damaging to his legacy and was taking away
10 from everything that he accomplished. And, you know, I had yet to see anything that
11 was convincing in terms of evidence that would've changed the outcome. And,
12 therefore, I felt we were -- you know, it just -- it didn't look credible. It didn't -- it just
13 didn't look good. It wasn't a good message. It wasn't good optics. It was nonsense,
14 actually.

15 Q What do you mean by "it was nonsense"?

16 A Just the inability to produce any actual evidence of fraud which was, you
17 know, supposedly ubiquitous.

18 Q And were there others, either in the White House or on the campaign team
19 or even informal advisors of the President, who seemed to share your general view of
20 that?

21 A I don't remember having too many specific discussions with people about,
22 you know, my feelings about talking about fraud and the election being stolen. But I
23 think there were a lot of people that were definitely on the same page in terms of
24 wanting to preserve his legacy and that, you know, the activities that were happening and
25 some of the things that were being said were definitely making that harder.

1 Q And were there people who spoke up and voiced that opinion either to the
2 President or to others who were involved in the development of strategy?

3 A I think that, um -- I think that Eric Herschmann was someone who, you know,
4 had a very strong sense of reality and had no problem conveying that to the President. I
5 think, you know, Attorney General Barr made his feelings about lack of evidence of fraud
6 clear. Um --

7 Q I'm sorry to interrupt you, and I want to come back to this and have you
8 continue your list. Did you witness Attorney General Barr say that to the President, or
9 do you know that from public reporting?

10 A Just public reporting.

11 Q Okay.

12 You can go back to your list. Who else was sort of in your camp?

13 A You know, I think Jared Kushner believed that there was an expiration date
14 on the legal challenges, meaning, you know, from an optics perspective, like, this can only
15 go so far and at some point it would behoove us to talk about accomplishments and to
16 kind of -- yeah. I think he was -- I think he agreed with that as well.

1

2 [12:24 p.m.]

3

BY 

4

Q Do you know if he ever said that to the President?

5

A I think initially he conveyed his view that the legal challenges should be

6

made by a team of professionals and presented in a way that lends their credibility, not

7

detracts from it, and that at some point having a conversation about preserving his legacy

8

and the steps that needed to be taken to do that and to wind things down would need to

9

become the focus of everyone's time.

10

Q Do you remember anybody else who was in this camp?

11

A Yeah. I mean, I think that there were other people that shared the view

12

that we weren't helping ourselves with the approach that was being taken either with the

13

people representing the President legally as spokespeople, you know, the rhetoric. But I

14

don't want to speak for those individuals.

15

Q Well, yeah, I don't want you to necessarily try to say what other people were

16

thinking. But did anybody else, other than the people we've mentioned, convey to

17

the President that it was time to move on from the election?

18

A I don't know. Not to my knowledge.

19

Q Okay. Who was in the opposite camp? Who were the most prominent

20

people who were arguing for what I'll call a more aggressive strategy in challenging the

21

election results?

22

A The ones I'm aware of, Mayor Giuliani, Jenna Ellis, Boris Epshteyn, Sidney

23

Powell.

24

Q Okay. Anybody else come to mind?

25

A I think Eric Trump and Donald Trump, Jr., were I think on November 7th,

1 when the election was called for Biden, I think they also felt like it was not ready to -- it
2 was not time yet to -- for it to be over and that there was more to be done in terms of
3 pursuing any actions that might produce a different result.

4 I don't know -- I wasn't continually in contact with them after that point, so I don't
5 know how long they held that point of view. But initially, around November 7th, they
6 were very much of the point of view that it wasn't time yet to concede.

7 Q Do you think it's fair to say that the people who advocated for the more
8 aggressive approach prevailed upon the President?

9 A Yeah. I think they were saying things he wanted to hear.

10 Q Okay. What do you base that on?

11 A I mean, the public statements, the fact that they prevailed upon him. I
12 think if you're looking at the loss and the single biggest contest that exists and someone is
13 telling you there still might be a way to win, that's probably intriguing. So I think hearing
14 that is probably something that would be hard to resist.

15 I just don't know -- beyond that you have to kind of show a way forward, right?
16 It's not just the idea itself that there could be a way to win, it's the how, and I don't know
17 what that consisted of. But --

18 Q Okay. I'm going to pause here and see if anybody else, either members or
19 staff, have a question.

20 Ms. Cheney. [REDACTED] I have a question.

21 Ms. Hicks, you mentioned Eric Herschmann. And I wonder if you could tell us
22 about any discussions you had with Mr. Herschmann after the election about the
23 challenges.

24 Ms. Hicks. I think our conversations were generally about our point of view that
25 we disagreed with the approach that was being taken. We felt it was pointless, that it

1 was being poorly executed, that the people executing it were not a good representation
2 of the administration, and that the legacy of President Trump, which should have been
3 quite impressive and powerful and could have led to a lot more good being done, even
4 outside the government, was being damaged by the day.

5 And that was frustrating, especially for someone like me who really had been
6 there from the beginning. It's not the way I wanted any of this to end.

7 And I think Eric -- I think he agreed. I think he was frustrated as a legal adviser
8 that he was constantly dealing with people that were giving the President advice that was
9 not always legally sound. I don't know the specific details, but that was a frustration of
10 his on occasion.

11 Ms. Cheney. And did he tell you that he'd conveyed this to the President?

12 Ms. Hicks. Eric was in my experience very straightforward and totally unafraid to
13 say what needed to be said. And throughout this time period I witnessed one or two
14 occasions where he very directly communicated to the President that something wasn't
15 possible, that it was or wasn't a good idea and wouldn't be done as a result.

16 I was very much out of the loop in terms of participating in meetings with the
17 President once this -- post-November 7th, so I can't say what Eric was actually doing in
18 these meetings. But I know Eric and his character. I have to believe he was saying
19 what he thought.

20 Ms. Cheney. And can you tell us about the instances that you just mentioned in
21 which you witnessed him making his point of view clear to the President?

22 Ms. Hicks. Sure. There was a meeting on November 6th that comes to mind,
23 Friday evening after the election, the night before Biden was declared the winner, in
24 which the President was speaking to a group of people.

25 I was there, Bill Stepien was there, Jason Miller, I believe Pat Cipollone was there,

1 Eric Herschmann, Justin Clark, maybe one or two people on the phone. I think Jared
2 Kushner was there. You get the idea, but it was a large crowd. There may have been a
3 couple other people in the Oval Office.

4 But the President was wanting to file something that afternoon, that evening with,
5 I think, the Supreme Court, some kind of injunction. I don't know if that makes any
6 sense legally, but that's what I remember sort of the conversation being centered around.

7 And he wanted Pat or Eric to handle that. And they both said that that's not
8 possible, they work for the White House counsel and they can't represent the President
9 or the campaign in any legal filings, and that nothing was going to happen at 5 o'clock on
10 a Friday night in terms of filing something with the Supreme Court. And just kind
11 of -- just reinserting a little bit of reality into the discussion is what I recall Eric doing, Eric
12 Herschmann.

13 Ms. Cheney. Thank you.

14 Is there another instance? I think you mentioned there were a couple of
15 occasions where you'd seen him.

16 Ms. Hicks. Yeah. I think I'm conflating one or two other instances unrelated to
17 the election specifically, if I recall. But just that he was a person that I viewed as, like I
18 said, a very straightforward, "tells it like it is" person.

19 Ms. Cheney. All right. Thank you.

20 [REDACTED] And I will just note that Congressman Aguilar has joined us.

21 Does anybody else have any questions?

22 [REDACTED] Yeah, [REDACTED] It's [REDACTED] Just to follow up on that.

23 BY [REDACTED]

24 Q Ms. Hicks, I get the sense that you were one of many that was concerned
25 about the quality of advice that the President was getting after a certain point, that

1 Mr. Giuliani and the others were advising him on a strategy with which you disagreed.

2 And I'm just wondering if -- it sounds like you didn't have any direct
3 communications with the President after a certain time expressing that concern. But
4 other than the two you just recounted to Ms. Cheney, do you know whether there
5 were -- did you hear about other voices that were conveying that same sentiment to
6 him -- you're getting bad advice, don't do this, it will spoil your legacy -- things along
7 those lines?

8 A Nothing that I personally witnessed. But I know that Jared Kushner was
9 concerned about Rudy sort of running the legal effort. I think that there were others
10 externally that were concerned. I believe Tucker Carlson on FOX News raised concerns
11 about Sidney Powell and her legal expertise and approach at some point in mid- to late
12 November, which I know the President saw.

13 Yeah, I'm not sure who else. I didn't witness anything. Dan Scavino, I know,
14 felt that this was not the ideal team of people for the President in terms of their expertise
15 and that in an ideal world we would have had more experienced professionals dealing
16 with this effort.

17 Q Yeah. I appreciate that a lot of people felt this way and were talking to you
18 or each other about it.

19 My question more specifically was, did you ever hear people saying that to the
20 President and his reaction to that other than the couple of things that you just described
21 to Ms. Cheney?

22 A I just wasn't witness to it. Like I said, I know Jared Kushner did, I know Eric
23 Herschmann did.

24 Q Okay.

25 A But other than that I'm not aware.

1 Q Did Mr. Kushner tell you that he did and report back to you sort of what the
2 President's response was when he conveyed this concern about Giuliani and the path that
3 he was advising?

4 A He did tell me that he told the President that. And I don't believe there
5 was any remarkable exchange with the President about it. I think that the President was
6 locked into these choices.

7 Q Okay. Anything else like that where somebody reported to you, "Hey, I
8 talked to the President about this and he said X," or he didn't agree or he wanted to keep
9 going?

10 A Not that I can remember. But if you want to ask again later, I'll think about
11 it. I can't recall right now.

12 And if possible, if we could take a break in the next 15 minutes, that would be
13 great.

14 [REDACTED] Absolutely.

15 [REDACTED] And that's all I had. I just wanted to follow up on that. Thanks,
16 Ms. Hicks.

17 And, [REDACTED], I defer to you, but this sounds like a good time for a break.

18 [REDACTED]. Yeah. But before we do that, I will see if anybody else has any
19 questions on what we've covered so far.

20 [REDACTED], I do. This is [REDACTED]

21 [REDACTED] Yes.

22 BY [REDACTED]

23 Q Ms. Hicks, one of the things you mentioned is that in the weeks after the
24 election some of the things that Mr. Meadows did suggested to you that he was in line
25 with the President on the President's approach to the election and challenging the

1 election.

2 Can you be more specific about that? Was there anything in particular that you
3 saw? Or what makes you think that?

4 A You know, I was in charge of, like I said, the President's schedule prior to the
5 election, so I determined through a process what was on his schedule. And after
6 November 7th there really wasn't a process taking place because there were no
7 public-facing events happening.

8 And so the scheduling and approvals of meetings largely shifted to the chief of
9 staff's office. And my understanding is that he was approving and participating in the
10 meetings that were taking place. So that's one indication. And based on what I've
11 read and heard about after the administration ended, that's my impression.

12 Q Had you ever seen the President's scheduling or the process for scheduling
13 events with the President gone through the chief of staff's office before to the degree
14 that it went through after the election?

15 A I guess, I don't want to mislead anyone, like I -- there was always -- the chief
16 of staff's office always played a role in it, but -- and I guess it's a little bit of an odd
17 situation just because there was this period of time, a pretty significant period of time
18 where there were really no public events that were happening on a regular basis. So
19 there were all private meetings that the President was participating in. But that would
20 still typically go through my office. And I really wasn't part of that anymore. I think
21 people were -- yeah, I just wasn't part of the process to a degree anymore.

22 Q You also mentioned calls with the President on November 4th and
23 November 5th. What do you recall the President saying as far as the strategy that he
24 wanted to see employed challenging the election in those first couple days after the
25 election?

1 A He was -- he had -- he was actually in pretty high spirits, high energy, I think,
2 especially on the 4th. He felt quite good, I think. Like I said, the campaign data team
3 was still fairly confident that the outcome in Arizona would be favorable to President
4 Trump. So he was getting some good news and he was upbeat. I think he was
5 energetic and I think he still felt like he had a chance, like it wasn't over.

6 Q I think you mentioned too that the President wanted or that it was the
7 consensus on the call that Mr. Boies would be taking over managing things at that point.
8 Was there something in particular the President liked about David Boies or his approach
9 or his suggestions in those calls?

10 A David Bossie.

11 Q I'm sorry. Bossie, you're right.

12 A I think just he felt like Dave was experienced in terms of like organizing an
13 aggressive political strategy.

14 Q What do you mean by political strategy? You've mentioned that a couple
15 times, the political apparatus versus the communications or the legal apparatus. So
16 what was the relevance there, the political strategy in those days, as opposed to the little
17 challenges that were also taking place?

18 A I think at that point in time it was they were sort of all on equal footing just
19 because the count was -- nothing had been finalized yet.

20 So in terms of the political strategy, I think if you're going to have -- and forgive
21 me, I don't know enough about how this is supposed to work or what happened this time
22 around, but I imagine that if you are going to have a legitimate recount effort taking place
23 that there are a lot of local officials on the ground that you have to be in contact with,
24 you have to be extremely well organized, you have to have volunteers in place and to
25 keep the momentum going, to keep raising money for that effort, you need to be

1 communicating with your supporters.

2 Like I think there's -- it's largely an extension of the campaign, so you would have
3 all of the same needs in terms of political communications and legal to some extent.

4 Q And is that what you meant when you -- when you talk about the political
5 apparatus, is that what you were talking about, the things you just mentioned, like
6 recounts and people on the ground, assisting with those types of efforts?

7 A Yeah, that was my understanding of what we were planning for at that point.

8 Q At that point, was there any other aspect of the political apparatus, other
9 than what you just mentioned?

10 A Not that I know of.

11 Q Okay.

12 [REDACTED] All right. Thank you very much.

13 [REDACTED] I just have one follow-up question, Ms. Hicks.

14 Do you know why President Trump ultimately chose to use Mayor Giuliani for his
15 legal challenges in spite of the contrary advice that he was receiving from people like
16 Jared Kushner and Eric Herschmann?

17 Ms. Hicks. No. I mean, I never spoke to him about what was the thinking
18 behind that choice.

19 [REDACTED] Did you ever hear anyone talk about conversations with
20 President Trump to that effect? Did you have any sense of why he ultimately decided to
21 go with Mayor Giuliani as the lead for his election challenges?

22 Ms. Hicks. I mean, I think I alluded to this in a previous answer, which was they
23 were saying things he wanted to hear.

24 [REDACTED] All right. That's all I have.

25 [REDACTED] Okay. So, Mr. Trout, how would you like to proceed here? We

1 could take a short break and resume. Or if you want, you and your client want to have a
2 lunch break, we could break for 45 minutes or something like that and resume.

3 Mr. Trout. I think a lunch break would be good.

4 [REDACTED] Okay. Does 45 minutes work?

5 Mr. Trout. Sure.

6 [REDACTED] Okay. So we'll regroup around 1:30 eastern time. And with that,
7 we'll go off the record.

8 Mr. Trout. Thank you.

9 [Recess.]

1

2 [1:36 p.m.]

3

BY [REDACTED]

4

Q Ms. Hicks, before I continue with the questioning, I just wanted to give you an opportunity to see if there's anything from your testimony earlier today that you want to correct or clarify or anything like that or expand upon.

7

A No.

8

Q Okay. So we've been going through somewhat chronologically, but also we went in some detail in some of those texts. So I just want to go back to the chronology.

10

So I think we talked about election night, November 3rd. We talked about November 4th where you said you were at the campaign headquarters in Arlington. But did you have any conversations with President Trump on November 4th, 2020?

13

A Yes, I told you I spoke with him in a group of other people. He was on speakerphone. The call had initially been either from Bill Stepien to the President or to Bill Stepien from the President. And there were several of us in Bill Stepien's office, which Bill explained to the President. And so we all joined in on the conversation.

17

Q Okay. And that was the one where he discussed people who may lead or be involved in the team going forward. Is that correct?

19

A I believe so.

20

Q Okay. Did you have any other conversations with the President on November 4th?

22

A Not to my recollection.

23

Q Okay. Did you go into the White House at all on November 4th?

24

A No.

25

Q Okay. Let's turn to exhibit 4.

1 A Yes.

2 Q And this is a text exchange between you and people with the initials JC and
3 JD. I think you already said that JC was Professor John Yoo. Is that correct?

4 A Yes.

5 Q Okay. And is JD the James Donovan you mentioned earlier?

6 A Yes.

7 Q Okay. So on the first text, we can't see the date, but the one on the
8 bottom of the page, it is dated November 1st -- or, I'm sorry, November 5th. But going
9 back to the first one chronologically at the top of the page, it started off Jams.

10 Who or what is Jams?

11 A It's just a nickname for John Yoo. I don't know where it comes from, but it
12 is a nickname for him.

13 Q Okay. So a reference to -- when we see Jam or Jams in the text, that refers
14 to John Yoo, correct?

15 A Yes.

16 Q Okay. And then you send a dial-in number for a call with Jared, who I
17 assume is Jared Kushner, and Eric Trump for tomorrow, meaning the next day, 10:30.

18 What was that call about?

19 A I don't have a prominent recollection of it as I sit here today. But just
20 reading these text messages, it was I think something to do with what the legal strategy
21 would be moving forward and perhaps trying to build a team.

22 Q Okay. And why were you involved in that?

23 A Just as sort of a senior member of the White House and the campaign.
24 There was only a small group of us at this point. And we were all doing our best to
25 come up with ideas for resources, who we could think of that might be willing to be

1 helpful.

2 And because John had offered to be helpful previously and I know he has
3 extensive connections with experienced and talented lawyers much, much more so than
4 the campaign staff did, I asked him to be on the call and offer his advice.

5 Q Okay. And do you remember whether anybody was on the call? Well, do
6 you remember, first of all, did the call take place and did it at least include Jared Kushner,
7 Eric Trump, John Yoo, James Donovan, and you?

8 A No. If you continue reading the text messages, so if you want to keep going
9 through the exhibit --

10 Q Sure.

11 A -- I told him not to -- he had a conflict that he mentioned in the thread, and I
12 told him not to cancel. And then followed up a couple hours later and said that we
13 shouldn't do the call, that it didn't seem like a good situation to put him in. And I
14 appreciated his offer to help but that it wasn't needed.

15 Q Okay. And why did you not want to do the call?

16 A Primarily because I was at campaign headquarters and had been there all
17 that morning. It just seemed increasingly disorganized and like we were not in a
18 position to be having a conversation about hiring or engaging any of the professionals
19 John Yoo was talking about.

20 And it was a much more amateur operation that just -- it just didn't seem like a
21 good idea to involve John. I didn't think he was going to be able to articulate what he
22 was recommending to the team in a way that would have had any impact and I didn't
23 want to waste his time.

24 Q So Professor Yoo on that first page of the text suggested several names to
25 be the -- and this is his words -- "political face of the campaign." It looks like he

1 mentioned Haley Barbour, Jon Kyl, Orrin Hatch, Bill Barr.

2 Did any of those people who I just mentioned end up having a role in the
3 campaign after the election?

4 A No. You can go on. For legal, Chris Landau, Gene Scalia, Mike Carvin at
5 Jones Day, Noel Francisco, no.

6 Similar to the text messages with Dave Bossie where names were being
7 exchanged, none of them were ever involved to my knowledge. I don't know if any of
8 them were even contacted and asked to be involved. But we all know who ended up
9 being the legal team for the efforts after the election.

10 Q Okay. If we go down a couple pages, the page ending in Bates number 011,
11 where Professor Yoo -- there it is. Back up just a tiny bit. Yeah. If you see in the
12 middle of the screen there, Professor Yoo writes, "Call from PA," for Pennsylvania
13 legislature, "coming in to Meadows tomorrow from Bryan Cutler, speaker of house, and
14 Kerry Benninghoff, majority leader."

15 Do you know anything about that call?

16 A I don't, no.

17 Q Do you know how John Yoo knew that that call was being to happen?

18 A I believe John -- he's from Pennsylvania, and I believe he knew some of the
19 members of the Pennsylvania Legislature. And either they reached out to him or -- I
20 don't know how the contact started. But I believe I communicated to John that they
21 should call Meadows or Jared or one of the attorneys, that I wasn't the right contact.

22 Q Okay. If you go down to the top of the next page, and I know you
23 referenced this earlier, where you wrote, "I think we should not do this call. Need to
24 protect my Jams. This is not a great situation."

25 So "to protect my Jams" means to protect John Yoo. Is that correct?

1 A Yeah. I don't know. They both have a nickname for each other that's
2 Jam. I don't know why I'm referencing that on these text messages, but it's sort of in
3 reference to both of them on the thread.

4 Q Both of them being Mr. Yoo and Mr. Donovan?

5 A Yes, exactly.

6 Q Okay. And when you say "protect my Jams," was that solely to save their
7 time or was there something that you thought they would not want to be associated
8 with? Or what did you mean by that?

9 A Just, yeah, a waste of time and like a very disorganized, chaotic process that I
10 have inexplicably subjected myself to over many years now. And I saw no reason to
11 involve others that hadn't had the distinct pleasure.

12 Q Okay. All right. So going back to the chronology, on November 5th,
13 according again to Michael Bender's book, he wrote that late morning on Thursday,
14 November 5th, so 2 days after the election, you met with Jared Kushner, Dan Scavino, Bill
15 Stepien, I think Jason Miller, Justin Clark, and Eric Herschmann, although it's possible it
16 was either Steve Miller or Max Miller, I'm not certain.

17 Do you recall whether such a meeting took place?

18 A It's possible. November 4th and 5th, I was at the campaign headquarters
19 both of those days. I didn't go to the White House either of those days. And the
20 meetings are just kind of a blur. I didn't have an office there, so it was a lot of people
21 coming and going from like different conference rooms and empty offices. So I don't
22 have like a distinct memory of everyone sitting down for one particular meeting, but I was
23 there. So --

24 Q Do you remember whether you spoke to the President on November 5th?

25 A I believe, just based on reviewing these messages and the ones we reviewed

1 from Dave Bossie, that he was part of a phone call, yes.

2 Q Okay. What do you remember about that phone call?

3 A Unfortunately, nothing other than what I've now been refreshed with
4 because of these text messages.

5 Q Okay. What did you do on November 5th? I know you said you were at
6 the campaign headquarters. What were you doing?

7 A Like I said, we were just kind of all meeting. I just don't -- like I have -- the
8 4th was the day after the election and I have pretty clear memories of that day, including
9 what I wore.

10 I remember the 6th because that was the first time back at the White House since
11 election night.

12 I remember the 7th because Biden was declared the winner.

13 I just don't have anything that jumps out in my mind that helps me recall the
14 events of the 5th.

15 Q Okay. Let's talk about November 6th.

16 So on November 6th, did you go to campaign headquarters again?

17 A I did.

18 Q Okay. Did you start there?

19 A Yes.

20 Q Okay. And why did you go to the campaign headquarters?

21 A It's just where the team had been meeting regularly since the morning of the
22 4th.

23 Q Okay. And do you remember what you did at campaign headquarters on
24 the 6th?

25 A I don't. I remember speaking to Eric Herschmann, I remember speaking to

1 Jared Kushner, Bill Stepien, Justin Clark, Jason Miller. I remember speaking to Mercedes
2 Schlapp. I remember seeing and speaking with Kellyanne Conway. And, yeah, that's --

3 Q Okay. So in Michael Bender's book he describes a call from the morning of
4 Friday, November 6th, so this is the day before the media called the election for Vice
5 President Biden. And Bender reports that you tried to shift the conversation away from
6 the election to the preservation of President Trump's legacy.

7 Does that sound correct to you?

8 A No.

9 Q Okay.

10 A That didn't happen on November 6th. That happened on November 7th.

11 Q Okay. Let's go to exhibit 5.

12 A Okay.

13 Q Just pausing here until we get it up on the screen.

14 And you wrote to MM, who I assume is Molly Michael. Is that correct?

15 A Yes.

16 Q Then she was the President's executive assistant, correct?

17 A Yes.

18 Q And you wrote, November 6th, 2020, at 1:11 p.m., "Can we come see POTUS
19 at 2 o'clock, me, Jared, Eric, and some of the campaign guys? I think they were thinking
20 4 original, but wanted to know if we could come earlier."

21 What made you reach out to Molly Michael and request to meet with the
22 President?

23 A I don't know. I don't know if there was something that instigated this or
24 just that we -- none of us had seen the President since the early morning hours of the 4th.
25 We'd all been working from campaign headquarters and he was at the White House.

1 And that maybe there were some updates to share on Arizona or the plan moving
2 forward. I don't know what the reasoning behind it was.

3 Q Okay. And do you remember whether you in fact had the meeting?

4 A I do, yes. We did go to the White House.

5 Q Okay. And if you scroll down just a little bit, Ms. Michael wrote, "This is the
6 original 4 p.m. list I got from Cass." I assume that's Cassidy Hutchinson?

7 A No, it's from Cassidy Luna.

8 Q Oh, Cassidy Luna. Thank you. And can you remind me what Cassidy
9 Luna's position was?

10 A She was Jared's chief of staff, I believe.

11 Q Okay. Lists Justin Clark, Bill, Jared, Eric Trump, Derek, Hope, Eric
12 Herschmann, Jason Miller, Matt Morgan, Dan, Mark on the phone.

13 Do you recall whether that was who ended up attending the meeting?

14 A Yes. I also believe Kellyanne Conway was there, maybe not for the entire
15 meeting. But at some point that afternoon she was there with all of us.

16 Q Okay. What do you remember about the meeting?

17 A It was disorganized. The President had a lot of questions about what the
18 status of everything was, what the plan was moving forward, who would be representing
19 him in any legal action that he chose to take.

20 I think there was -- you know, at some point Pat Cipollone came in. There was a
21 dispute -- I mentioned this earlier to Ms. Cheney -- about Eric Herschmann explaining that
22 he and Pat were the White House counsel and therefore couldn't represent him, the
23 President or the campaign, in any legal filing he wanted to make, which he was looking to
24 do something of that nature that evening. I can't recall exactly what the purpose of the
25 legal action would have been.

1 But he wanted stronger press statements being issued, updating people about
2 where things stood in terms of the vote count and our momentum.

3 He instructed at one point myself and Jason Miller and Bill Stepien to go work on a
4 press release, sort of in a statement I think having to do with whatever he was planning
5 to do on the legal side of things. I don't believe it ever got written, so I can't remember
6 exactly.

7 But -- yeah, he dispatched us to go do that. And that was probably around
8 6 o'clock in the evening. And then kind of just devolved. People started kind of -- the
9 meeting sort of broke up.

10 Q Okay. When you say "devolved", meaning just people left the room, or was
11 there something about the conversation that devolved?

12 A Yeah, people left the room, people broke off. We got assigned to go do the
13 statement. Some people just decided to go leave altogether. There were
14 break-off -- people breaking off to have side conversations. Yeah.

15 So it's hard for me to give an exact picture of sort of how everything concluded. I
16 left to go work on this statement with Bill and Jason Miller. And at some point, I myself
17 left for the evening. And I don't really know what the conclusion of the discussion with
18 the lawyers was.

19 Q And why did the statement not get finalized?

20 A Well, I left and Jason Miller left. And we're the communications team.
21 So --

22 Q Okay. Did you not want to have the statement be issued?

23 A I just, to my recollection, I just don't really -- I don't think we knew what we
24 were supposed to be issuing a statement on. Like it wasn't clear yet. I think we were
25 waiting for more information based on the discussions that were being had with people

1 like Eric Herschmann and Justin Clark and Matt Morgan. And -- yeah.

2 Q Do you remember what the President wanted in the statement?

3 A I don't. I'm sorry.

4 Q Okay. Do you remember whether you had any concern about anything the
5 President wanted in the statement?

6 A No, I don't remember. I really -- as far as I recall, it was just, you know -- it
7 wasn't clear what we were supposed to be saying because there wasn't a plan that we
8 were ready to communicate. The next steps were sort of still being formulated.

9 Q Okay. Do you remember anything else about the meeting?

10 A No.

11 Q Okay. Let's go to exhibit 6.

12 And this is from -- it's a text message between you and B, and it says Boris. Is
13 that Boris Epshteyn?

14 A Yes.

15 Q On November 6th, 2020, at 4:22 p.m., Mr. Epshteyn writes, "Hey, totally
16 between us, I've been working on something and believe we have a shot at FNC pulling
17 back the AZ call. Happy to fill you in by phone if you have 30 seconds."

18 Did you end up talking to Mr. Epshteyn about FOX News Channel potentially
19 pulling back its Arizona call?

20 A No.

21 Q Do you have any information about what he was referring to when he said,
22 "I believe we have a shot at FNC pulling back the AZ call"?

23 A No.

24 Q Okay. And then at 9:40 p.m. on November 6th Mr. Epshteyn wrote, "Have
25 some okay news if you have a minute." Did you ever find out what that news was?

1 A No.

2 Q Okay. Did you have any communications with the President on
3 November 6th other than the one we just talked about, that meeting?

4 A No.

5 Q Okay. Let's turn to November 7th. So we talked about this is the
6 Saturday after the election on the day that several media outlets called the Presidential
7 race for Vice President Biden.

8 So were you at campaign headquarters in Arlington?

9 A Yes.

10 Q Okay. Do you remember who else -- well, what did you do while you were
11 there?

12 A Went to the main conference room, sat and spoke with Bill Stepien, Dave
13 Bossie, Jason Miller, Jared Kushner, Eric Herschmann. Maybe Justin Clark and Matt
14 Morgan were there. You know, there were a lot of meetings in those conference rooms
15 over those few days. But definitely the first list of people.

16 Q Okay. And were you --

17 A I believe --

18 Q I'm sorry.

19 A Yeah, sorry. I believe Eric Trump was also there and Donald Trump, Jr., was
20 maybe on speakerphone. I think he had left at some point during that week to be
21 dispatched to one of the States that we were still counting in.

22 Q And were you at campaign headquarters when the media first called the
23 race for Vice President Biden?

24 A Yes.

25 Q Okay. And was there a discussion about what to do next?

1 A Yes.

2 Q Okay. And what was your view at that point?

3 A My view was that obviously you want to win, but that this wasn't a
4 repudiation of the President and his administration. Seventy-five million people voted
5 for him, and that that was something that should be acknowledged and celebrated and
6 capitalized on in terms of starting to build his legacy and to ensure that people
7 remembered and understood the historic achievements of his administration and that
8 that was an important next step.

9 Also understanding that there were still some questions lingering about the
10 election process and some outstanding votes to be counted in certain places regardless of
11 the fact that Biden had been declared the winner.

12 So understanding that most on the team -- and probably the President
13 himself -- would not be ready to shift gears into sort of a legacy planning phase, so I felt
14 that it was reasonable to expect that there would be some period of time, 2 weeks or so,
15 where legal challenges would be pursued and that that was a fairly routine process.

16 And I didn't believe that that would necessarily harm the efforts that I was
17 wanting to be focused on in terms of the legacy, but that it was important that we -- that
18 that process is handled properly so that we could then eventually shift gears when people
19 were ready.

20 Q And were there others on November 7th who voiced the opinion that the
21 President should focus more on his legacy rather than challenging the election?

22 A I think that at that point most people felt like the challenges were an
23 important next step for him to take. And I think a lot of people felt like as long as it was
24 done properly and there was sort of a narrow scope focused on legitimate instances of
25 fraud or places where there was uncertainty lingering, that that was an okay thing to do.

1 And there were some that felt like we weren't ready to talk about a legacy at all or
2 anything other than fighting really hard to ensure that the President stayed the President
3 because the view was that once all the votes were properly counted, that that would be
4 the outcome.

5 Q And who was in the latter camp on the 7th?

6 A I think Eric and -- Eric Trump and Donald Trump, Jr., felt pretty strongly that
7 it wasn't time yet and that their dad would want to fight incredibly hard to pursue every
8 path available to him.

9 Q Okay. Anybody besides Eric Trump and Don Jr.?

10 A I think everybody else that was there was sort of like had one foot in both,
11 like the legacy is important and the challenges are as well, so there's a way we can have
12 both. Let's do the challenges and see where this takes us in the next 2 weeks. And
13 then if we wind up right where we started, we'll just -- we can shift gears at that time.

14 Q In the book "Peril" by Bob Woodward and Robert Costa the authors write
15 about the meeting at campaign headquarters on the 7th that when someone asked,
16 "'Who is going to tell the President the race is over after he finishes golf?' no one
17 volunteered. Kushner spoke up. 'There is a time for a doctor and a time for a
18 priest,' he said. He looked at several senior campaign aides. Perhaps they could be
19 the doctor and give the President the tough diagnosis. Last political rites, if they ever
20 came, would be left to the family, Kushner indicated."

21 Does that sound correct to you?

22 A I'm sorry. Yeah, that the family didn't need to go speak to him then
23 because it wasn't the end of the political road. It was more about what the next steps
24 are, like a diagnosis of where we are now and what are we doing moving forward. Is
25 that sort of what the --

1 Q Yeah. So that he's saying somebody needs to deliver the bad news to the
2 President, presumably about the media calling the race, but that the family would come
3 in later, if necessary.

4 A Got it. Yep, that's right.

5 Q Okay. And then according to Woodward and Costa you spoke up and said,
6 '"Why don't we just tell him the truth? He can make the best of a bad outcome. This
7 wasn't a blowout. This wasn't a repudiation,' pointing to the more than a dozen pickups
8 in the House. 'This was an embrace of his policies, if not him personally, and sometimes
9 things just go a different way.'"

10 Does that sound accurate?

11 A Yeah. I think I just reflected that sentiment to you as well about where I
12 stood and what I said.

13 Q Okay. And the part about, "Why don't we just tell him the truth?" what did
14 you mean by that?

15 A That the election was called for Biden.

16 Q Okay. Did anybody disagree with your recommendation?

17 A Yeah. Like I said, I think that there were -- I think that there was a desire to
18 continue to push forward and that it wasn't over yet and just because the race had been
19 called didn't mean it was the end.

20 Q Okay. Let's go to exhibit 7.

21 Actually, no, before we do that, I'll follow up.

22 So what happened next? Did somebody go talk to the President?

23 A Yes. I believe Dave Bossie, Bill Stepien, Justin Clark, potentially Jason
24 Miller, went and spoke to the President.

25 Q Was that at the White House?

1 A Yes.

2 Q Do you know anything about what happened at that meeting?

3 A Only what I've read.

4 Q Okay. And what did you read?

5 A My understanding is that the conversation was about what to do next and
6 sort of what the odds of success were in terms of pursuing some of the legal options
7 available and that it was conveyed to the President that if everything goes right that there
8 was something like a 10 percent chance that the outcome would be different.

9 Q Okay. But you know about that only through the media, not from anybody
10 tell you about what happened at the meeting. Is that right?

1

2 [2:12 p.m.]

3 A Correct.

4

BY [REDACTED]

5 Q Okay. Did you talk to President Trump at all on November 7th?

6 A No.

7 Q Okay.

8 All right. Now let's go to exhibit 7. Okay. And that is a text message between
9 you and somebody named Bill with the initials "BS." Is that Bill Stepien?

10 A Yes.

11 Q Okay.

12 And so, on November 8, 2020, at 11:14 a.m., Mr. Stepien wrote, "FYI on
13 incoming."14 First of all, do you know where the incoming was from? In other words, what his
15 source of information was for what he describes below?16 A No, I don't know. It could be incoming from other press inquiries or maybe
17 from if the President was going to call and ask anything. I don't know -- I don't know.

18 Q Okay.

19 So, in the paragraph starting with number one, Mr. Stepien wrote, "Recognition is
20 growing in Trump's inner circle that their effort to overturn the race call is an increasing
21 long shot, with some urging him to keep fighting, but only in a limited way, within the
22 legal process."23 Do you know who, if anyone, was in fact recognizing that the effort to overturn
24 the race was an increasing long shot?

25 A I mean, I don't remember anybody saying those words verbatim, but I think

1 that that was the general sentiment of the conversation we've been talking about for the
2 last 20 minutes, that, you know, there were some people that felt that this is, you know,
3 not the best use of time and resources because a different outcome is unlikely, but that
4 he has every right to, you know, look into various challenges for a short period of time via
5 a legitimate, legal process, and there were some people that felt like it is still totally
6 possible that the results are changed and to maintain that kind of attitude.

7 Q And then Mr. Stepien wrote "with some urging him to keep fighting, but only
8 in a limited way, within the legal process."

9 Paragraph two: "Kushner has made nuanced arguments. Pursue legal fight,
10 but in a limited way. Focus on transparency of the vote count."

11 What was your understanding of Mr. Kushner's argument? And what did you
12 understand Mr. Stepien to mean by "focus on transparency of the vote count"?

13 A I don't know. I don't want to speculate.

14 I think Jared was making nuanced arguments, you know, and, you know, it seems
15 like he's saying pursue legal fights but in a limited way, where you have a better chance
16 for success, rather than, you know, casting a wide net of mass fraud. I don't know
17 specifically though.

18 Q Okay.

19 And then three says, "Some advisors, including Hope Hicks, side with Kushner
20 during a Saturday meeting." Presumably that's the meeting we just talked about from
21 the 7th.

22 Is that accurate, that you sided with Jared Kushner?

23 A Yeah, we definitely had some points that we agreed on.

24 Q Okay.

25 Then, four says, "The meeting was after the President's round of 18 holes of golf."

1 Five says, "The meeting was in the White House residence."

2 So do I understand correctly, you did not attend a meeting with the President in
3 the White House residence on the 7th?

4 A Yeah, again, I don't know where Bill -- if Bill is copying this and pasting this
5 and this is not something Bill himself wrote, or if this is something that Bill is writing and
6 made mistakes. But there was a meeting at campaign headquarters with staffers during
7 which the call was made for Biden. The meeting continued after that, where we
8 discussed next steps.

9 And then some advisors from that meeting went to the White House and spoke
10 with the President at the White House in his residence. Jared and I were not part of the
11 group that went to the White House.

12 So there's two meetings here that are being discussed as one within this outline of
13 six points.

14 Q Okay.

15 Number six says, "The President has teased in private discussions that his liberal
16 son-in-law wants to do things a certain way."

17 What did you understand that to refer to?

18 A I don't know. I don't know.

19 Q Okay.

20 Let's go to exhibit 8. This is an email, the subject, "Two paths to victory -- Newt,"
21 dated Tuesday, November 10, 2020, from Thirdwave2.

22 Is Thirdwave2 former House Speaker Newt Gingrich?

23 A Yes.

24 Q Okay. And it's to Jared Kushner, Ivanka Trump, you, Kayleigh McEnany,
25 Brooke Rollins, Pat Cipollone.

1 What was Newt Gingrich's role, if any, in the effort to overturn the results of the
2 2020 Presidential election?

3 A I don't know. I'm not aware he had any formal role. I don't know.

4 Q Do you know if he had some informal role?

5 A I'm not aware.

6 Q Okay.

7 The second paragraph of his email refers to a "Pelosi/Schumer raw partisan
8 political power rule."

9 The scenario described in that paragraph of his email is that, quote, "GOP
10 legislatures elect to not send in electors from an unreliable and rigged system before all
11 questionable conduct has been answered, which means Biden does not receive 270
12 electoral votes, and, consequently, the House voting by State delegations, 26, elect the
13 President. Trump wins."

14 Were you involved in any other communications with Newt Gingrich about the
15 possibility of State legislatures refusing to send Biden electors to the electoral college?

16 A No. And I believe right now is the first time I'm actually reading this email.

17 Q Okay. Were you involved in any discussions with anybody about the
18 possibility of State legislatures affecting the outcome of the 2020 Presidential election?

19 A Not that I recall. No.

20 Q Okay.

21 Did you have any communications with a California law professor named John
22 Eastman?

23 A No.

24 Q So, according to the Woodward and Costa book, on November 10th -- so this
25 is 1 week to the day after the election, so it would be a Tuesday -- you visited President

1 Trump in the Oval Office and suggested that he stop contesting the results of the election.

2 Do you recall whether that's accurate?

3 A I did have a conversation with the President of that nature. I don't
4 remember if it was -- it was sometime in November. I don't remember if it was that
5 specific day.

6 Q Can you tell us what you do recall about the meeting?

7 A It largely reflected what I said in the meeting to the campaign team on
8 Saturday the 7th, just that I thought that a long legal battle that would likely not produce
9 a different outcome was harmful to his legacy, and that that's what he and we should all
10 be focused on right now. And I didn't think that -- I didn't think that continuing to go
11 down a path with a legal team that was -- I didn't think that they were going to be capable
12 of performing any miracles. I didn't think that there were any paths to a different
13 outcome. And I wasn't seeing evidence of fraud on a scale that would have impacted
14 the outcome of the election. And I was becoming increasingly concerned that we were
15 damaging his legacy and potentially limiting his opportunities, of which I thought there
16 would be many, outside of the White House.

17 Q Was this meeting in the Oval Office?

18 A Yes.

19 Q Was anybody else there?

20 A No.

21 Q What did the President say in response to what you just described?

22 A I think he said something along the lines of, you know, "Nobody will care
23 about my legacy if I lose, so that won't matter. The only thing that matters is winning."
24 And, you know, that he had to keep fighting. It's what he was, you know, built to do and
25 it's what his supporters expected of him. And that, in his mind, it wasn't over, it wasn't

1 decided.

2 Q And did he give any explanation of why he thought it was not over, other
3 than what you just described about the only thing that matters is winning and he had to
4 keep fighting?

5 A I think that he felt like there were endless examples of fraud.

6 Q Okay. And, obviously, you can't say what he thought, but did he point to
7 examples of fraud? Did he give you examples of fraud?

8 A Like, specific examples? Like saying, well, in Wisconsin this happened with,
9 you know, Johnny Smith, and he's signing an affidavit, and we're filing it in the court?
10 Like, specific examples?

11 Q Yeah. I mean, did he mention -- yeah, anything -- Dominion voting
12 machines or any of these things that he said publicly in his speeches?

13 A I don't recall any specifics in that conversation. Just numerous instances of
14 fraud.

15 Q Okay. So he says that. Did you say anything in response?

16 A I think at this point in time I was still sort of -- in my mind, I was letting, you
17 know, him pursue the legal strategy, you know, until that wasn't a path anymore, and
18 then I would, you know, have more to say. But, given that he was still in the process of
19 some of the legal challenges, I think I decided to let that play out.

20 Q Did he seem like he was angry or unhappy with you for the opinion you were
21 expressing?

22 A I don't think it's what he wanted to hear, but, you know, not particularly
23 angry.

24 Q So you described earlier that after November 7th your role in the effort to
25 contest the results of the election or the campaign effort changed. Was that by your

1 own choice?

2 A Yes.

3 Q Okay. Tell us about that.

4 A Well, I'm not a lawyer, and it was largely a legal fight, so I just didn't see that
5 there was a role for me at that point, and I just sort of took a step back from everything.

6 Like I said, there weren't any public events happening. We weren't articulating a
7 particular message on behalf of the White House. It was largely focused on what was
8 happening with the legal challenges pertaining to the election, which is really a campaign
9 effort; it's not a White House effort. And, you know, that was primarily done by the
10 team we've mentioned before. And there just -- there wasn't really much for me to do.
11 I was largely sort of out of the loop at this point.

12 Q At some point, did you feel like the President was not listening to your
13 advice?

14 A Yes. I felt like -- yes, I did feel like that. But I also -- it was more that I felt
15 that if I was trying to give him advice he wouldn't have listened to it. I wasn't really
16 trying to give him advice at this point. I think he had decided his path, and, you know, I
17 didn't have anything to offer in terms of the strategy he was pursuing.

18 Q And that's because you felt at some point like he'd already made up his
19 mind. Is that right?

20 A Yeah. I think it was clear what he wanted to do and what he wasn't going
21 to do.

22 Q Did anybody take any steps to reduce your role or marginalize you in any
23 way?

24 A No, other than myself.

25 Q Okay.

1 According to Jonathan Karl's book "Betrayal," on Thursday, November 12th,
2 President Trump put Rudy Giuliani on speakerphone during a meeting with a large group
3 of senior officials at the White House, including Vice President Pence, Jared Kushner, Pat
4 Cipollone, Johnny McEntee, you, and several others.

5 Do you recall that meeting?

6 A I definitely wasn't at that meeting. That is not accurate. I left on
7 November 11th, and I was traveling out of the country.

8 Q Okay. Were you on the phone for such a meeting?

9 A No.

10 Q Okay. So when you say you left, were you on personal leave?

11 A Yes.

12 Q Okay. And that was from November 11th until when?

13 A November 15th.

14 Q Okay. And did you go on leave for any reasons related to your
15 disagreement with the strategy?

16 A No. Just, I mean, it had been a long 10 months. Campaigns are
17 particularly grueling. And there just really wasn't that much for me to do at this point in
18 time. And so, yeah, I took a few days -- I took a few days off.

19 Q Did you ever hear anybody give you -- other than the media -- recount to you
20 what happened at a meeting on Thursday, November 12th, involving the people that I
21 just described other than you?

22 A I didn't read that book. I'm not aware of what the meeting entailed.

23 Q Okay. So nobody else on the White House staff told you about such a
24 meeting. Is that correct?

25 A Not that I recall.

1 Q Okay.

2 Were you ever involved in or heard about, other than through the media,
3 questions about whether the government could seize voting machines?

4 A I believe my only knowledge of that is through media.

5 Could we just pause for one second?

6 Q Yeah. Of course.

7 [Discussion off the record.]

8 Ms. Hicks. Sorry about that.

9 I did overhear a conversation between Sidney Powell and the President at some
10 point in November. I'm not exactly sure of the date. But I overheard their
11 conversation in which she was defending some of the things she had been saying publicly
12 about, you know, her theory on how exactly the election was stolen.

13 BY MR. [REDACTED]

14 Q And, in that conversation, was there a reference to potentially seizing voting
15 machines?

16 A No. I want to be clear. I don't recall her saying that the government
17 needed to steal voting machines -- you know, seize the voting machines. Not to my
18 recollection. But she did mention the voting machines as part of, you know, how she
19 believed this all transpired in favor of Biden rather than Trump.

20 Q And was that an in-person meeting or a phone call you overheard?

21 A It was a phone call.

22 Q Okay. Do you know if anybody else was on the phone besides her, Ms.
23 Powell?

24 A I don't know on her end. I was in the Oval Office with the President and
25 Dan Scavino, and the President had the phone on speaker.

1 Q Okay. What else do you recall from that conversation?

2 A That I believe the President was speaking to her in response to a piece that
3 had been aired on Tucker Carlson's show on FOX News the night before where Tucker
4 sort of challenged her credibility. And I think the summary of his monologue was that
5 her participation was not helpful to the President's efforts and that, you know, she
6 sounded a little crazy.

7 And I think the President was calling to ask her why she wouldn't go on the show
8 and defend herself and that not responding looked weak.

9 And, you know, simultaneously while he was having that conversation with her,
10 when she would respond, he would put the phone on mute and, you know, kind of
11 acknowledge to myself and to Dan Scavino that her theories, the way she articulated
12 them, did sound crazy.

13 Q All right. Can you elaborate? Was there any more information that the
14 President shared on that?

15 A You know, we were all sort of laughing, you know, because it just does sound
16 so unbelievable when you're talking about a theory that incorporates the Iranians, the
17 Venezuelans, potentially the Chinese, and, you know, voting machines -- I mean, it's quite
18 an elaborate plot -- you know, maybe things from outer space. And it just sounds --

19 Q Meaning satellites?

20 A -- ridiculous.

21 And I was relieved that the President found it to be humorous and wasn't taking it
22 seriously. But Sidney seemed to be very serious about it and was, you know, quite
23 excited on the call, describing her theory, defending it, and saying that, you know, there
24 could be national security implications and that she needed to speak to someone in the
25 National Security Council immediately.

1 The President called in one of the deputies from the National Security Council and
2 asked if he had spoken with Sidney about the potential issues at hand, and he had not,
3 and so the President asked him to follow up with her. I have no idea if that happened.

4 And the phone call ended with the President asking Sidney to come see him later
5 that day in person. And I left, laughing.

6 Q Okay. Do you know what the purpose of them meeting in person later that
7 day was?

8 A I don't, no.

9 Q Okay. And the person from the National Security Council, do you
10 remember that person's name?

11 A I believe it was Matt Pottinger.

12 Q Okay.

13 To the best of your recollection, what did the President say when he said
14 something that told you that he found Ms. Powell's theories humorous?

15 A Like I said, we were all kind of laughing. The phone was on speaker, but we
16 were muted, so she couldn't hear us. And, you know, he said, like, "This does sound
17 crazy, doesn't it?" And I think I said, "Yes. Yes, it does."

18 And I don't remember having a conversation after the fact with him. I think he
19 was sort of still talking to her and trying to coordinate her coming in person and, you
20 know, getting her to speak with the National Security Council person, and I excused
21 myself at some point.

22 But that's my recollection of the conversation and the only reference I know of to,
23 you know, the voting machines, in terms of a conversation that was had and not just
24 news reporting.

25 Q Okay. And what the President seemed to think sounded crazy was Ms.

1 Powell's theories about Iranians, Venezuelans, and Chinese manipulating voting
2 machines?

3 A Yes. That's my recollection.

4 Q Okay. Do you remember if he expressed a view of any other theories of
5 voter fraud during that call?

6 A No. I've relayed everything I can remember from that conversation.

7 Q Okay. And do you think that that conversation was before or after you
8 took leave from November 11th to November 15th?

9 A I think it was after, but I'm sure you could look it up. It was the day after
10 Tucker Carlson did a show about her. I think it was a little later in November.

11 Q Okay.

12 And the conversation you told us about earlier where it was just you and the
13 President in the Oval Office and you said something to the effect of, "You should focus on
14 your legacy," and he said, "Nobody will care about my legacy if I lose," do you recall
15 whether that was before or after you went on leave?

16 A I am not sure. It's possible that it was the date you mentioned,
17 November 10th.

18 Q Okay. Is it fair to say roughly mid-November sounds right?

19 A Yeah. That's right.

20 Q Okay.

21 A I would say sometime after November 7th and before Thanksgiving.

22 Q Okay.

23 So we covered in detail November 3rd to November 7th. So, from November 8th
24 until, let's say, Thanksgiving, do you remember having any other conversations with the
25 President about the 2020 Presidential election?

1 A Yeah, I mean, I was in the office a handful of times where I saw him, you
2 know, maybe two or three times between November 6th and Thanksgiving. But it was
3 usually short and more about just his musings about the current state of things, you
4 know.

5 Q What can you remember him saying?

6 A You know, "How can you concede an election you won?" Those kinds of
7 things.

8 Q And did you, again, other than what you've already told us about, express
9 your opinion that the President should focus on his legacy and not so much on
10 challenging the results of the election?

11 A Yeah, I think he knew my position. You know, there was a meeting I can
12 remember where several other people joined in. I don't remember what the meeting
13 was about, but someone mentioned something about the election. And, you know, in
14 front of the group, he said, you know, "Hope doesn't believe that there was fraud. Hope
15 doesn't believe in this stuff." So he knew where I stood.

16 Q Sorry. He said, Hope doesn't believe in what?

17 A That there was fraud. "In this stuff."

18 Q Okay. Oh, "this stuff." Okay. Do you remember who else was in that
19 meeting?

20 A I don't. It was a large group of people. I don't remember what it was
21 about and -- I don't remember.

22 Q Okay. And did you say anything in response to that?

23 A I don't think so, no.

24 Q Okay.

25 And can you remember any other conversations with the President from, say,

1 November 7th to Thanksgiving about challenges to the 2020 election?

2 A I don't remember anything.

3 Q Okay.

4 Let's go to exhibit 9. And this is a text thread with "DS." Is that Dan Scavino?

5 A Yes.

6 Q Okay. On the first page of this text thread, on November 18th -- you can
7 scroll down a little bit -- you wrote, "We've got to catch up today. Cabinet Room
8 meeting."

9 Do you remember what the Cabinet Room meeting was about?

10 A Yeah. That's just where Dan and I would go to talk to each other, because
11 neither of us had our own offices.

12 Q Oh, I see. So you were proposing that he meet you in the Cabinet Room.

13 A Yes.

14 Q Okay.

15 And do you remember, when you said "we've got to catch up" and you proposed
16 meeting with him, whether that was anything related to the 2020 election?

17 A No. Dan and I are very close friends, so I imagine --

18 Q Okay.

19 A -- it was more personal.

20 Q Okay.

21 So, on the next page, so ending in Bates number 020, you propose a meeting with
22 Mr. Scavino and somebody named Kate.

23 A Yep.

24 Q Who's Kate?

25 A She handled -- she reported to Dan, and she was the head of the White

1 House digital team.

2 Q Okay. What was her last name, if you recall?

3 A I'm so sorry. I don't remember.

4 Q That's okay.

5 A I could probably look it up if I had my phone. I'm sorry.

6 Q That's fine.

7 And you wrote, "Something she wants to talk about." Do you remember what
8 that was?

9 A Yeah. You can see the rest of the thread. Just that, like, we needed to
10 start archiving the content on the White House page and, you know, preparing for what
11 was next.

12 Q Okay. And was this because you thought that the President would be
13 leaving office?

14 A Yes.

15 Q Okay. And did Dan Scavino express a view as to whether he thought the
16 President was going to be leaving office after January 20th?

17 A I mean, I don't remember him specifically saying this website will be great
18 starting January 21st when he's no longer President, which I understand is what happens.
19 But I think it was just understood, yes, that we were nearing the end.

20 Q All right.

21 If we go to the next page, which ends in Bates number 021 -- and it looks like this
22 is November 19th.

23 Go up just a tiny bit. Okay, that's good.

24 So I think that was November 19th. You wrote, "Rudy actually did a good job
25 laying out the case. Powell and Jenna look nuts."

1 What were you referring to there?

2 A I think that was the day that they did that press conference. And,
3 unfortunately, I don't think a lot of people focused on what Rudy said, because of the
4 optics, but I actually -- of all the people speaking that day, I thought he did an okay job,
5 you know, saying that there were specific instances of fraud that they had identified.

6 Obviously, that didn't translate into what you need to present in court. But I
7 thought he did an okay job in terms of the press conference. Unfortunately, the
8 distraction from his appearance sort of overshadowed that.

9 Q Okay. This is the situation with what appeared to be hair dye?

10 A Yes.

11 Q Okay.

12 And what made you think that Sidney Powell and Jenna Ellis looked nuts?

13 A I don't know. That's just generally my view. I don't know if something
14 specific jumped out at me that reenforced that, but that was just generally my point of
15 view.

16 Q Okay. And is that because you found their allegations not to be credible?

17 A Yes.

18 Q Can you recall what allegations you found not to be credible?

19 A I just think that, you know, the whole theory they were proposing, you
20 know, telling the President that there is a good chance the outcome will be overturned.
21 I think that alone is a statement that no person that has a modicum of intelligence, let
22 alone a legal education, would be sharing with the President with confidence.

23 So that is my view of those individuals.

24 Q If we go down a couple more pages, this one the Bates number ending in
25 023, Mr. Scavino wrote -- and it looks like this is December 11th. He wrote, "Just got off

1 the phone with boss, and he's" -- and there's a flame emoji -- "as ya know."

2 You responded, "I can only imagine."

3 Do you remember -- well, first, the "boss," did you interpret that to refer to
4 President Trump?

5 A Yeah, I did.

6 Wait. Sorry. What day is this? Oh, December 11th.

7 Q I think that's December 11th, which I believe is also the day that the
8 Supreme Court declined to hear the Texas v. Pennsylvania case.

9 A Got it.

10 Q Do you -- and I don't want to put words in your mouth, but is it your
11 recollection that Mr. Scavino was saying that the President was very unhappy, as
12 indicated by the flame emoji, because of the Supreme Court decision?

13 A I'm not sure. I don't want to speculate.

14 Q Okay. Well, I guess I shouldn't prompt you with an answer. Do you
15 remember what made the President unhappy?

16 A Sorry. Can we hold on? I think that the text messages that you're
17 reading -- I just want to pull it up so you can see the date. Because I think that the page
18 HH023 is from November 4th.

19 Q Oh, okay. Thank you. I was going off that the bottom of the page before I
20 thought had a reference to December 11th.

21 A Yeah. They're out of order. This is November 4th.

22 Q Ah. Okay.

23 A Let me just confirm, and we can resend it to you with the date on it, but I'm
24 pretty sure.

25 Q Okay. That's very helpful.

1 [Discussion off the record.]

2 Ms. Hicks. Yeah, that's from November 4th at 11:48 in the morning.

3 BY [REDACTED]:

4 Q Got it. Okay.

5 So, then, I guess, still going back to my questions, I assume you still interpret the
6 "boss" as referring to President Trump. Is that correct?

7 A Yes.

8 Q Okay. And did the flame emoji suggest to you that the President was
9 angry?

10 A No. You know, it could just mean, like, he's on fire, like, he's got a lot of
11 energy, he's ready to go. I don't know. But, like I said, when he was on the phone
12 later that day in the group call, that was how I interpreted his mood. He was, you know,
13 fired up, kind of, is more of what I would interpret that to be. But I don't know.

14 Q Okay.

15 Let's go to exhibit 10. And it says "EH" at the top and "Eric." Is that Eric
16 Herschmann?

17 A Yes. Yes.

18 Q Okay.

19 On the page ending in Bates number 030, it looks like there's discussion of a case
20 in Pennsylvania related to the election. And you wrote, "Ugh. So is it over?"

21 Go up a little bit. Yeah.

22 And Mr. Herschmann responds -- or, you wrote, "Ugh. So is it over?" That's
23 November 21st.

24 Then, the next day, Mr. Herschmann replies, "Micropenis syndrome, sad," and
25 then --

1 A That text is not --

2 Q -- I guess a tweet from Jenna Ellis.

3 A Yeah, that's not -- those are not his words. Those are Jenna Ellis's words.

4 Q Okay. So I was not able to pull up that tweet from Jenna Ellis. What do
5 you recall about that?

6 A I don't know, but something tells me it might've been about the judge in the
7 case.

8 Q Okay. So you think this is Mr. Herschmann recounting what Ms. Ellis said
9 possibly about the judge.

10 A Oh, definitely. Those are not Eric Herschmann's words.

11 Q Okay.

12 A That is a copy-and-pasted tweet from Jenna.

13 Q Okay. And then he's got, below that, it looks like it's a tweet from Nate
14 Silver.

15 A A Nate Silver --

16 Q Yeah. And it says, "People are sometimes too quick to describe public
17 figures as insane, but I wonder if that's literally true in the case of Sidney Powell."

18 Was that -- did you understand that to be Nate Silver's words or Mr.
19 Herschmann's words?

20 A Definitely Nate Silver's words, but I think the --

21 Q Okay.

22 A -- sentiment was, you know, definitely shared by myself and Eric.

23 Q Okay.

24 Okay. We can take the exhibit down.

25 So, in Carol Leonnig and Phil Rucker's book, "I Alone Can Fix It," they write that,

1 after Thanksgiving, you avoided the meetings with the President that normally had filled
2 your days.

3 Is that accurate?

4 A Yes. I was largely just out of the loop. Like I said before, I just didn't have
5 a role to play anymore.

6 Q And is that because of your views about the 2020 election?

7 A Well, I wasn't involved in what was, you know, happening with the legal
8 challenges, and that was primarily what time was being spent on, so --

9 Q Did you avoid the President?

10 A I guess to a certain extent. I just didn't have anything to say. It wasn't like
11 I was working on something and would give him an update or needed his input or
12 approval. There just wasn't, you know, the same level of interaction that was necessary.

13 And in terms of being, you know, a close member of the team, I just -- you know, I
14 didn't want to be asked about the election, and he didn't want to hear what I had to say.
15 So it was like a mutual sort of -- neither of us wanted to hear what the other had to say.

16 Q And do you recall whether you had any conversations with the President
17 about the 2020 election from Thanksgiving 2020 to, you know, January 20, 2021?

18 A I believe there was one conversation I had sometime in December around
19 the time -- or maybe it was late November. We could look up the time, but it was when
20 the vaccines were approved by Pfizer and Moderna.

21 And I was in the Oval Office. I believe the Vice President was there. And we
22 were just talking about -- you know, I said that if you want to talk about things like that
23 the election was not fair and that, you know, you were at a disadvantage, you know,
24 instead of talking about stolen votes, I would talk about the fact that these companies
25 withheld approval until 10 days after the election instead of announcing it prior, even

1 though they knew that they would've had it ready in time.

2 Q And --

3 A Um --

4 Q -- what was the President's response? Sorry. I didn't mean to cut you off
5 if you had more.

6 A No, that's okay. I think he agreed that it was a good point to make but that
7 it wasn't going to come at the expense of the other points he was making.

8 Q And do you remember any other conversations with the President between
9 Thanksgiving and the inauguration about the 2020 election?

10 A Between Thanksgiving and January 20, 2021?

11 Q Yeah. Exactly.

12 A I spoke to him the night of January 8th. He called me about some news
13 reports that said I had resigned after January 6th, and I told him that I hadn't but that,
14 you know, next week -- I was leaving in the middle of next week as the natural end of my
15 time at the White House. And he asked me to come see him on Monday, which I did.

16 I went to see him, and we had a conversation, just the two of us. He asked about
17 my thoughts about January 6th and what had happened and what he planned to do next,
18 what I planned to do next, and just kind of reflecting on what a long road it had been
19 since the beginning.

20 And that was -- and then I spoke to him two other times via phone. So that was
21 Monday, January 11th, I believe, and I spoke to him two other times via phone between
22 after I left -- my last day -- sorry, I'm just looking at the calendar -- was -- January 12th was
23 my last day. So, between January 13th and January 19th, I spoke to him twice via phone
24 unrelated to the election or January 6th.

25 Q Okay.

1 So I think you said it was January 8th that he called you and then asked about a
2 news report that you had resigned. Did you talk on that call on January 8th at all about
3 what had happened on January 6th?

4 A Wait. Sorry. Can you repeat the question?

5 Q Yeah. So I think you said January 8th he called you about news reports that
6 you had resigned. On that call, did you talk about what happened on January 6th?

7 A He just asked -- you know, said, "I read that you resigned. Could you put
8 out a statement, something nice?" And I said that I hadn't resigned. And he said that
9 that was better and that I should come see him on Monday. So, no, I -- just recounting
10 the conversation, no, we didn't talk about it.

11 Q Okay. But then that Monday, January 11th, you did talk about January 6th.
12 Is that correct?

13 A We did, yep.

14 Q And what did he say?

15 A He asked me if I thought that it was really as bad as everyone was making it
16 out to be. And my answer was, yes, I thought it was.

17 Q What was his tone? Did he sound dismissive of what happened when he
18 asked you that question?

19 A No. No.

20 Q Okay.

21 A I think he was genuinely curious.

22 Q To the best of your recollection, what were his words when he asked you
23 that question?

24 A I just repeated them to you as I remember them verbatim, which was --

25 Q Okay.

1 A -- "Is it really as bad as everyone's making it seem?" And I --

2 Q And you said yes.

3 A -- responded and said, "Yes. Yes, it is."

4 Q And how did he respond to that?

5 A I think he felt like it wasn't -- the response to it wasn't fair.

6 And we kind of switched gears and just talked more generally about what he was
7 going to do next and, you know, how he should approach things. And I was just telling
8 him, I think, you know, the more rational you are and restrained you are, the more
9 extreme everybody else will look, so things like banning you from social media I think will
10 backfire, and that, you know, if you focus on the things people really care about and not
11 the election, I think that things will get better quickly for you, in terms of politically.

12 And he said, "So you don't think I should say it was stolen?" And I said, "No."

13 And he said, "You really hate that, don't you?" And I said, "Yes, I really do."

14 And then we just sort of exchanged some, you know, pleasantries, and that was it.

15 Q And when you said something to the effect of he thought that the response
16 to January 6th was unfair, can you tell us, just the best of your recollection, what his
17 words were?

18 A I just think that he felt like, you know, blaming him for everything that
19 transpired wasn't fair.

20 Q Was he essentially saying he did not think it was his fault?

21 A I don't remember him saying that, so I don't want to --

22 Q Okay. Did he suggest it was anybody else's fault, such as antifa or anybody
23 else?

24 A No, he didn't say that.

25 Q Did he mention Vice President Pence?

1 A No.

2 Q As far as you can recall, did he say anything about Members of Congress who
3 had objected?

4 A No.

5 Q And then I think you said you talked to him two more times from
6 January 13th to the 19th. And I'm sorry if you already answered this. Did you talk
7 about January 6th during either of those conversations?

8 A We didn't speak about January 6th or the 2020 election in either of those
9 conversations.

10 Q Okay.

11 All right. I'll pause here to see if anybody else has questions.

12 [REDACTED] Yeah, [REDACTED]. I think --

13 [REDACTED] It's --

14 [REDACTED] Yeah, I don't know if -- sorry, [REDACTED] I didn't mean to jump ahead of
15 you.

16 [REDACTED] That's quite all right, [REDACTED] Go ahead.

17 BY [REDACTED]

18 Q Yeah. Ms. Hicks, just picking up on where [REDACTED] left off about that
19 conversation with the President on the 11th, did he express anything about the police
20 officers that had been killed or the people that had been injured, any sadness or regret
21 about those deaths or injuries?

22 A Not to my recollection.

23 Q Did he mention anything like that, about the fact that police officers had
24 died and there had been a number of deaths, the shooting that occurred, anything along
25 those lines, the violence?

1 A Not to my recollection.

2 Q Did he express any sadness about what had happened, any regret, remorse
3 in any way?

4 A Um -- um, not to my recollection, no.

5 Q It sounds like he was more curious about your reaction to it when he asked
6 you, do you think it's as bad as they're saying? It was more gauging your perspective
7 more than expressing his own? Is that right?

8 A Yeah, I think he wanted my opinion about it.

9 Q Okay. And when you said yes, did he have a reaction to that? Did he say,
10 "Wow, I guess you're right," or, "No, Hope, it wasn't that" -- like, what was his reaction
11 when you weighed in about how bad it was?

12 A He didn't really -- he didn't really react too strongly.

13 Q Uh-huh. But you remember him saying something about it being unfair,
14 the criticism from --

15 A Yeah, I do remember that. Yeah.

16 Q Okay.

17 All right. Anything else he said, at all, about any subject, with respect to the
18 January 6th events? Any other words he used or sentiment he conveyed?

19 A Not that I remember, no.

20 Q All right.

21 Have you ever talked with him about it since, at any time at all since that personal
22 conversation on the 11th of January, even after he left office?

23 A Yeah. I think we went over all of that at the beginning of the --

24 Q We did. You talked about a couple of meetings that you've had with him
25 since. But I'm asking specifically about January 6th, the events of that day, if you've --

1 A Yeah, January 6th and the 2020 election. I described any conversation I've
2 had with him since January 20, 2021, in detail at the beginning of the day.

3 Q Yeah. I was here for that, and I appreciate that.

4 A Yeah, of course. Just wanted to make sure.

5 Q Okay. That's all I have. Yep. Thank you.

6 BY M [REDACTED]

7 Q Ms. Hicks, just to be very specific, what words did the President use to
8 convey to you that he thought the response was unfair?

9 A I believe that's what he said. Again, I want to be really careful about
10 attributing something to him, but that's my recollection, that he felt -- you know, that his
11 response was, "It's so unfair."

12 Q Did you ever come to an understanding about what it was that was unfair?
13 What about the response to January 6th was unfair to the President?

14 A I didn't get into it with him.

15 Q Okay. Did you ever learn from others what he thought was unfair about it,
16 in your communications with them?

17 A I really haven't talked to many people about this, in terms of the President's
18 statements.

19 Q Okay. Thank you.

20 [REDACTED] Anyone else have questions?

21 Okay.

22 Is it okay to continue on, or do you need a break?

23 Ms. Hicks. We can keep going. How much longer do we have?

24 [REDACTED] Not too much longer. I'm about to go to exhibit 11 out of 18. But
25 we did a lot of things earlier that did not involve exhibits, so I would say we're more than

1 11/18ths of the way there. So I don't think it'll be too much longer.

2 Ms. Hicks. All right. Well, let's go through a couple more then.

3 [REDACTED]. Yep. Okay.

4 Let's look at exhibit 11. And this is a text exchange with "MM," and it says

5 "Max." Is that Max Miller?

6 Ms. Hicks. Yes.

1

2 [3:10 p.m.]

3

BY [REDACTED]

4

Q And what was Max Miller's role?

5

A Max worked at the White House, then he was deputy campaign manager for

6

a period of time. And I think at this point I don't know if he had come back to the White

7

House or was still working on the outside.

8

Q Okay. And then he wrote on December 29th, "Do you have any specific

9

messaging you want for this event on the 6th?"

10

Your reply the next day suggests you were not familiar with the event on the 6th.

11

You said, "I have no idea. What is the event?"

12

He responds, "Save America March."

13

So prior to that text message, had you been involved in any conversations about

14

the Save America March?

15

A No.

16

Q Or the event at the Ellipse? Okay.

17

Were you involved in any conversations about what would happen at the joint

18

session of Congress to certify the election on January 6th?

19

A No.

20

Q Okay. After December 29th, when you got the text from Mr. Miller, did

21

you come to have any role in developing messaging for January 6th?

22

A No.

23

Q Okay. We can go to exhibit 12. And that is a text exchange between you

24

and "HG," and the name says "Hogan." Is that Hogan Gidley?

25

A Yes.

1 Q And what was Hogan Gidley's position?

2 A Again, a similar situation to Max. He was at the White House and then he
3 moved to the campaign. I don't know where he was working at this time, if he was still
4 working and being paid by the campaign or -- I don't know.

5 Q Okay. So a couple of pages down, on the page with the Bates number
6 ending in 035, this would be January 6th, 2021, at 2:19 p.m., so this is January 6th itself
7 after the attack on the Capitol had already started.

8 Mr. Gidley wrote, "Hey, I know you're seeing this, but he really should tweet
9 something about being nonviolent."

10 You responded, "I'm not there. I suggested it several times Monday and Tuesday
11 and he refused."

12 So the "I'm not there," does that just mean you were not physically at the White
13 House?

14 A I did not go to the White House on January 6th.

15 Q Okay. And when you wrote, "I suggested it several times," "it" presumably
16 means that the President say something about being nonviolent. You wrote, "I
17 suggested it several times Monday and Tuesday and he refused."

18 Tell us what happened.

19 A Sure. I didn't speak to the President about this directly, but I
20 communicated with people like Eric Herschmann that it was my view that it was
21 important that the President put out some kind of message in advance of the event,
22 which I was starting to hear more about on January 4th after return from the Christmas
23 holiday. And I just felt like -- I just had a bad feeling, I just had a bad feeling about the
24 whole thing. I just felt like no good was going to come of an event of that size in the
25 middle of Washington, D.C.

1 Most of Washington, D.C., at this point was still boarded up over fears that there
2 would be more rioting and protests following the election if a certain outcome caused
3 people to do that. And I just felt like this wasn't a good idea.

4 And I was concerned, not that President's Trump's supporters would be violent, I
5 was concerned that there would be some kind of clash with counterprotesters and just
6 wanted there to be some kind of messaging urging everyone that was coming to be
7 peaceful.

8 Q And you mentioned Eric Herschmann. You made that recommendation to
9 Mr. Herschmann?

10 A Yes, on Monday and Tuesday.

11 Q So that would be January 4th and January 5th?

12 A Yes.

13 Q Okay. Did you make those recommendations in writing?

14 A No, just conversation. Yeah. No, I didn't.

15 Q And your recommendation to Mr. Herschmann was that the President ask
16 his supporters to be nonviolent. Is that correct?

17 A Just that he put out some kind of messaging. He was, I believe, sending out
18 tweets regarding the event. So just that one of them could include the word "peaceful,"
19 that this would be a peaceful event, reminding everyone to be peaceful.

20 Again, I wasn't concerned about the people coming to listen to the President
21 speak becoming violent. I was concerned that there would be some kind of clash like
22 we had seen in other instances and that that was a smart thing to do.

23 Q And did you make a recommendation to anybody in addition to Mr.
24 Herschmann that the President convey some message that people should be peaceful?

25 A I don't recall anybody other than Eric that jumps out at me.

1 Q And what was Mr. Herschmann's response?

2 A Mr. Herschmann said that he had made the same recommendation directly
3 to the President and that he had refused. You know, it wasn't -- his response wasn't
4 that me saying it in addition to his own requests would be helpful. It was just that he
5 wasn't going to do that.

6 Q Just so I understand, Mr. Herschmann said that he had already
7 recommended to the President that the President convey a message that people should
8 be peaceful on January 6th and the President had refused to do that?

9 A Yes.

10 Q Did Mr. Herschmann give you any further information about the
11 conversation that he had with the President about the recommendation that he send a
12 message that people be peaceful?

13 A I think that his response or his refusal was -- the reasoning behind it was that
14 if he put something out about being nonviolent, that it would insinuate that there could
15 be violence and therefore might discourage people from attending and the crowd would
16 therefore be smaller. I think that was the reasoning that was conveyed to me about
17 why it was an unnecessary thing to do.

18 Q Okay. So to make sure I understand, Mr. Herschmann was conveying that
19 that was President Trump's view?

20 A Correct.

21 Q So Mr. Herschmann was conveying to you that President Trump said he did
22 not want to issue a statement asking people to be peaceful because he thought that that
23 could have a negative effect on the crowd, the size of the crowd that showed up?

24 A Yes.

25 Q Okay. And you mentioned in that text we looked at that you suggested it

1 several times Monday and Tuesday. So was that multiple conversations with Mr.
2 Herschmann on the 4th and the 5th?

3 A I definitely had more than one conversation with Eric about it. Based on
4 what I wrote to Hogan it sounds like I made a recommendation to more than just Eric, but
5 I don't recall those conversations. But I have a vivid recollection of my conversation
6 with Eric.

7 Q And where were you when you had the conversation with Mr. Herschmann?

8 A In my office.

9 Q Were you on the phone or was he there in person?

10 A He was in person.

11 Q Was anybody else there?

12 A I share an office with -- I shared an office with Cassidy Luna, like separated
13 by a doorway. I don't know if she was at her desk, but it's possible.

14 Q Other than possibly Cassidy Luna, nobody else overheard your conversation
15 with Mr. Herschmann.

16 A Not that I recall.

17 Q So tell us a little more about what prompted you to express this concern to
18 Mr. Herschmann.

19 A I've told you everything about my concern. I just felt that there was the
20 potential for a clash with some kind of counterprotest situation and that it would be
21 smart to get ahead of that and say something about being peaceful. I had no other
22 information. It was just an instinct based on what we had seen over the summer.

23 Q Did you consider going to the President directly to ask him to issue a
24 statement asking people to be peaceful?

25 A I spoke to Eric about that and said that if he thought it would be helpful for

1 me to go and say that directly to him that I would. And Eric seemed to think that it
2 wouldn't make a difference and so I did not.

3 Q Did Mr. Herschmann say anything about why he thought it would not make a
4 difference if you went and talked to the President directly?

5 A I've told you what Mr. Herschmann conveyed to me about his reasoning, the
6 President's reasoning for not putting out a statement. That's all I know.

7 Q Okay. So essentially the President had already made a decision on that.
8 Is that the gist of what Mr. Herschmann was saying?

9 A That seems like a reasonable conclusion.

10 Q Okay. And did you have any conversations with anybody else where you
11 expressed the importance of the President asking people to be peaceful?

12 A Not that I remember.

13 Q Okay. Do you remember whether you talked to or communicated with
14 anybody else and conveyed the conversation you'd had with Mr. Herschmann other than
15 the text we just looked at?

16 A No.

17 [REDACTED] Let's pause there. Does anybody else have any questions?

18 [REDACTED] Yeah, [REDACTED], real quick.

19 BY [REDACTED]

20 Q Ms. Hicks, I guess my question is, looking back now at what happened, do
21 you have any regrets about that, about not going to him, about not raising this concern
22 with him about the possibility of violence and the need to issue potentially in advance a
23 statement to try to prevent it?

24 A Of course. You know, if I thought that me going to see him would have
25 resulted in putting out some kind of message that could have prevented what happened,

1 of course I wish I had done that. I just -- I don't know that that's the case, but, you
2 know.

3 Q Yeah, I know it's impossible to tell if it would have made a difference.

4 I guess the same question about the election stuff, right? You worked so hard
5 for 4 years for this legacy and the fact that he wasn't talking about it, continued to talk
6 about the election, looking back now, do you have regrets that you didn't push him
7 harder, that you didn't raise it with him more affirmatively all the way through the end,
8 through January 6th?

9 A No. I feel that I was very clear about what my position was and he
10 understood that. I don't think me saying it more often would have had an impact. He
11 knew where I stood and I'm sorry that it didn't have more of an impact on him, but he
12 knew how I felt.

13 Q I see the difference there between those two things. You had made your
14 point clear about the election and it didn't matter. The one about violence, you hadn't,
15 you relied on Eric to sort of to pass that along.

16 So maybe there's -- I get a sense from you, I don't want to put words in your
17 mouth, a little bit more of a sense of, yeah, maybe I should have pushed harder with
18 respect to the violence. Is that accurate?

19 A I think Eric Herschmann did everything he could as well. So I don't want to
20 say my voice versus Eric's would have made a difference. But, I mean, of course you, if
21 you had the opportunity to go back and do something differently and it might change the
22 outcome, and certainly in a situation like this, of course.

23 Q Yeah. Do you know whether anybody else raised the concern? Did Eric
24 tell you, "Hey, such and such agrees or has raised this as well"? Any other voices on this
25 issue?

1 A Not that I remember.

2 Q Okay. And it sounds like, in answer to some of [REDACTED] questions, you
3 weren't privy to any intelligence in advance of January 6th, you didn't hear anything from
4 Secret Service or other sources about intelligence or what they were seeing in the days
5 leading up to January 6th?

6 A Nope.

7 Q Your fear was based on prior events, like the December MAGA march and
8 those sorts of things where there had been clashes between protesters and
9 counterprotesters?

10 A I don't know what the December MAGA march is. But just the riots that
11 had taken place in D.C. all summer.

12 Yeah, I had to drive across the Ellipse to get to the White House from where I
13 lived. And so whenever there was something happening like that, it was challenging to
14 get through with road closures and people and other things. And saw a lot of excited
15 people over the months leading up to the 2020 election. So --

16 Q But nothing with respect to people coming for January 6th? You
17 weren't -- when you had this conversation with Herschmann, it was based on generalized
18 fear and not anything you'd specifically seen along those lines. Is that right?

19 A I mean, I didn't know enough about what the event even was. I just wasn't
20 tracking. I wasn't part of any discussions about it.

21 I mean, for sure when I drove to the White House on Monday, January 4th, and
22 they were already starting to put the infrastructure up and roadblocks, blockades and
23 things like that, it sort of made me think about the size of the event and what would be
24 taking place. But I just -- yeah, I just didn't have a good feeling about the whole thing.

25 Q Yeah.

1 A What little I knew about it.

2 [REDACTED] Yeah. Thanks.

3 Thank you, [REDACTED]

4 BY MR [REDACTED]

5 Q Ms. Hicks, I know [REDACTED] asked you about discussions you may have had with
6 other people in advance of January 6th and the rally on the Ellipse. I do want to raise
7 one specifically or two actually.

8 Did you talk to Dan Scavino at all about your concerns or just the rally more
9 generally in the days when you were there?

10 A I don't remember.

11 Q My understanding is that he helped the President with social media. Is that
12 correct?

13 A He did, yes.

14 Q Okay. Did you talk to him at any point about the President using social
15 media to make a statement that his supporters or anybody who was attending the rally
16 should be peaceful?

17 A I don't remember talking to Dan about it, sorry.

18 Q Okay. What about Mark Meadows? Did you talk to him at all about the
19 rally or expectations for the 6th?

20 A I don't remember.

21 Q Somewhat related to social media, are you aware of the website, it's called
22 TheDonald.win? It no longer exists. But it was a forum and internet page with a lot of
23 discussion about President Trump.

24 A The what?

25 Q TheDonald.win?

1 A Oh, no, I've never heard of that.

2 Q Okay. Do you remember Dan Scavino ever mentioning that page?

3 A No.

4 Q Okay. Around that time I know [REDACTED] asked you about you being
5 privy to certain intelligence about what could happen on the 6th from the Secret Service
6 or other law enforcement. But do you remember any discussions within the White
7 House about what the Secret Service or other law enforcement agencies were hearing or
8 anticipating for the 6th?

9 A No, no.

10 Q Okay. Thank you.

11 A I think you can see from my text messages with Hogan Gidley that on
12 January 5th I was in the White House for like 3 hours on the 5th, and I was probably there
13 for about 4 hours on the 4th. And prior to that, I hadn't been in the White House since
14 December 16th, like home for the holidays and traveling. So I just wasn't around. I
15 wasn't in the loop.

16 [REDACTED]. Does anybody else have questions before I go to the next exhibit?

17

BY [REDACTED]

18 Q All right. We'll go to exhibit 13. And this is an email that was produced to
19 us by the National Archives. And if you go to the second page, so it would be the first
20 email chronologically, this is an email January 5th, 7:59 p.m., staff secretary sent. It
21 said, "Attached for your review are draft POTUS remarks for the Save America March
22 tomorrow. Please provide any edits or comments by 8 a.m. tomorrow, Wednesday."

23 And I can represent to you that this is one of several times we understand that the
24 draft remarks were circulated by the staff secretary's office. We can't see who the
25 distribution list was, but we can see on the next email chronologically you're copied on a

1 response.

2 So first question is, do you recall whether you received a draft of the President's
3 remarks for the rally on the 6th?

4 A I received a draft of the President's remarks for every event that the
5 President spoke at.

6 Q Did you review his remarks for the rally on the 6th?

7 A I did not, no.

8 Q Any particular reason why you didn't?

9 A Like I said, I wasn't involved in the event. I was very out of the loop at this
10 point. And this distribution is essentially a formality. It goes to I think all of the
11 assistants to the President and his office so they are always prepared. We got several
12 remarks sent to us on any given day. I didn't open one of those either even when I was
13 involved in the event. It's a lot to keep track of.

14 But, no, I didn't look at these remarks. I wasn't attending the event. I wasn't
15 going to be there. I had no reason to look at it.

16 Q Okay. Then, as we follow chronologically, Eric Herschmann, on the
17 morning of January 6th, responds to a lot of people, I won't read them all but you're one
18 of them, "Someone needs to verify the accuracy of the statements."

19 And then if we scroll up, Pat Philbin, who was deputy White House counsel, said,
20 "I agree" -- or says, "Agree with Eric. All facts need to be checked in this. In particular,
21 references that mention Dominion should be doubly checked or removed." And then
22 that was passed on to Vince Haley, Ross Worthington, and Robert Gabriel.

23 Do you know, other than that email we see where it was passed on, do you know
24 what, if anything, was done with the concerns raised by Mr. Herschmann and Mr. Philbin?

25 A No.

1 Q Do you know anything about what efforts, if any, were taken to fact check
2 the statements that were in the President's prepared remarks for the January 6th rally?

3 A No.

4 Q Okay. Now, my understanding is that Mr. Haley, Mr. Worthington, and Mr.
5 Gabriel reported either directly or indirectly to Stephen Miller. Is that your
6 understanding?

7 A Yes.

8 Q Okay. Did they also in any way, whether formally or informally, report to
9 you?

10 A No.

11 Q Okay. So where were you on January 6th?

12 A Here in D.C. at my apartment.

13 Q And you did not go into the White House at all that day?

14 A No.

15 Q And why not?

16 A I think I said earlier I didn't have a good feeling about the event. I wasn't
17 participating in it in any way. I didn't really know anything about it. It just seemed
18 like it just -- I just didn't need to be there that day.

19 Q And I know we've asked you in detail about all your conversations with the
20 President. So I just want to confirm, you did not speak to President Trump on
21 January 6th, 2021, correct?

22 A Correct.

23 Q Okay. Let's go to exhibit 14. And that is with somebody with the initials
24 "KC" and the name "Kellyanne." Is that Kellyanne Conway?

25 A Yes.

1 Q On January 6th at 4:09 p.m. you wrote, "This is all so awful." And then you
2 wrote about potentially getting together at some point with Ms. Conway.

3 She replies, "Yes, it is. I called him. I assume you're not on the campus?"

4 So did you understand the, "Yes, it is. I called him," to refer to the President?

5 A Yes.

6 Q Okay. And did you ever have a conversation with Ms. Conway about her
7 conversation with the President on January 6th?

8 A Not that I recall, no.

9 Q Okay. Did you ever talk to anybody about their conversations with
10 President Trump on January 6th?

11 A Not that I remember.

12 Q Okay. In response to Ms. Conway you wrote, "He stopped listening to me a
13 long time ago."

14 Is that basically just what you've already told us about him not following your
15 advice about focusing on legacy instead of the election?

16 A Yes.

17 Q Let's go to exhibit 15.

18 A I assume you all also see the part of that text message that says I haven't
19 been around for at least a month at this point?

20 Q Yeah, let's go -- let's find that so we can read it in the record. So you wrote,
21 "No, I haven't been around for a month at this point. He stopped listening to me a long
22 time ago. It's very sad though."

23 And I assume the "very sad," does that refer to the events of January 6th or to him
24 not listening to you or what?

25 A No, the events of January 6th.

1 Q Okay.

2 Okay. Then we can move on to exhibit 15. This is a text exchange with
3 somebody with the initials "JW," and it says "Justin." Who is JW -- not me -- for the
4 record?

5 A Justin Wells.

6 Q And who is Justin Wells?

7 A He works at FOX News.

8 Q Okay. So the first two texts there we can't see the date or if it's -- if there's
9 any context, but it says he wrote -- Mr. Wells wrote, "Good for you," two exclamation
10 points, smiley face. And then there is what looks like a news article, "Trump Call to
11 Georgia Official Might Violate State and Federal Law." And it looks like there's a picture
12 of you and the President there.

13 Was the "Good for you" referring --

14 A That's not a picture of me.

15 Q Oh, is that the First Lady?

16 A Yes.

17 Q Sorry. My apologies. It is very small on my screen here. I can't see that.
18 Okay. So that's the President and the First Lady.

19 Where it says, "Good for you," did you understand the "Good for you" as referring
20 to something about that article about the Georgia --

21 A No. I'm happy to look up what it says about that, but I think I was saying
22 that I was on vacation.

23 Q Okay.

24 A You know, that I was taking some time off over the Christmas holiday.

25 Q Okay. So you did not have any involvement in the President's call to

1 Georgia Secretary of State Brad Raffensperger, correct?

2 A Absolutely not. And I read about it based on this article that he sent me, as
3 I conveyed to him.

4 Q Okay. If we go down later on that page at 2:27 p.m. on January 6th. So at
5 this point the attack is going on, the attack on the Capitol. Mr. Wells wrote, "Oh, boy.
6 This won't end well." I assume that's referring to the attack on the Capitol.

7 You wrote, "As predicted. I'm not there. So dumb."

8 What did you mean by "as predicted"?

9 A Just that I just -- as predicted, I just didn't see this whole thing going well.
10 There was no good that was going to come of an event like this, whether it was because
11 of a clash with counterprotesters or anything else.

12 And I just -- it wasn't a specific prediction that people were going to storm the
13 Capitol. Obviously, I had no idea what was going to transpire. But I just predicted that
14 this whole thing, in terms of talking about the election in the way that we had for several
15 weeks, months now, and events like this are -- predictably no good comes from them.

16 Q Okay. And then you wrote, "So dumb." What was so dumb?

17 A I just thought the whole thing was -- it was stupid, it was -- it was poor
18 judgment. It was stupid to gather people before the certification of the vote and imply
19 that there was still a path to victory. I just felt like the whole thing was -- was -- it was
20 just not smart.

21 Q Let's go to exhibit 16. Again, a text exchange with "EH", who you have
22 previously said is Eric Herschmann, on January 6th, 2021, at 3:17, so again, while the
23 attack on the Capitol is going on.

24 You wrote, "So predictable and so sad. No one will remember the last 4 years."

25 I know this sounds redundant, but do you have anything to add as to why it was

1 predictable?

2 A No, I think I covered that.

3 Q Okay. And then Mr. Herschmann later wrote, "I know. Tragic."

4 You wrote, "I'm so upset. Everything we worked for wiped away."

5 Mr. Herschmann wrote, "I agree. Totally self-inflicted."

6 I know that's Mr. Herschmann's words, not yours, but what did you understand
7 him to mean when he said "totally self-inflicted"?

8 A Like this could have all been avoided.

9 Q And how could it have been avoided?

10 A By not having a rally, by conceding the election.

11 Q Did you ever recommend to anybody that the rally not go forward?

12 A Honestly, I didn't know enough about it. I learned of it, you know. It
13 wasn't something that was submitted through the traditional scheduling process. I just
14 wasn't made aware of it. You saw the text message in which I was made aware of it.

15 I didn't have a document that outlined what the purpose was, who the attendees
16 were, like something you would normally get at an event the President is attending or
17 speaking at before a decision is made that he will participate. I just didn't know
18 anything about it.

19 Q And do you know why that is that you didn't get the kind of material you
20 would normally get before a Presidential event?

21 A I don't know. Maybe because people thought it was more of a campaign
22 event is the only thing I can think of.

23 Q Let's go to exhibit 17. And this is a text exchange between you and "JR".
24 Is that Julie Radford?

25 A Yes.

1 Q And what was Julie Radford's position?

2 A About what?

3 Q Oh, I meant her role at the White House?

4 A Oh, sorry. I was like --

5 Q No, no. That's okay. It was an ambiguous question.

6 [Laughter.]

7 A She's very pro-America. Okay.

8 So Julie -- it's been a long day. Oh, gosh. That was funny. Okay.

9 Julie was Ivanka Trump's chief of staff.

10 Q Okay. And the first page to this text exchange, there's one, let's see if we

11 can find, I think it says, "Read Laura Ingraham's tweet. She's exactly right." Then at

12 3:01 -- yeah there it is, 3:01 -- "Read Laura Ingraham's tweet. She's exactly right."

13 Do you remember what those tweets were that you were referring to?

14 A Yeah. I think she had tweeted something like the people that are

15 breaching the Capitol are breaking the law. They should be -- you know, face

16 consequences immediately. Everyone should go home. And this whole thing is

17 effectively -- it's destroying sort of the legacy of the Trump administration. Something

18 to that effect basically.

19 Q Okay. And you agreed with that.

20 A Yes.

21 Q And then you wrote at 4:14 p.m., "Brooke can kiss her America First

22 Foundation goodbye." Who is Brooke?

23 A I'm sorry. I don't mean to laugh. I know this is very serious. It's

24 sometimes difficult to read back what you wrote a long time ago.

25 Brooke is Brooke Rollins and she was at the time working on putting together a

1 foundation that would be sort of in partnership with the Trump Presidential library. It
2 would be sort of the policy part of the library.

3 Q And when you said, "She can kiss her America First Foundation goodbye,"
4 did that mean because of something Brooke had done or because you were saying the
5 foundation wasn't going to exist because of what was happening on January 6th?

6 A The latter.

7 Q Okay. On the second page of this text exchange, so Bates number ending
8 in 042, later on January 6th you wrote, "In one day he ended every future opportunity
9 that doesn't include speaking engagements at the local Proud Boys chapter."

10 So does the "he" there refer to President Trump?

11 A Yes.

12 Q And what made you pick the Proud Boys as the example of something he
13 would still be able to do?

14 A I don't know. You know, insert fringe radical group here. It just -- sorry.
15 I didn't pick it for any specific reason.

16 Q At that point, this is so again on January 6th, did you have any knowledge of
17 what the Proud Boys' role in the attack on the Capitol was?

18 A I had no idea.

19 Q So on the third page, so this ends -- Bates number ending in 043, around I
20 think it was 7:18 p.m., while you wrote first "and leaving," so I can't tell if the next one is
21 exactly at 7:18, but then or later you wrote, "Attacking the VP? WTF is wrong with
22 him?"

23 So what did you mean by that?

24 A I just felt like that was -- it was just like everything else that day, it was
25 totally unnecessary and incredibly unfortunate.

1 Q Okay. Let's go to exhibit 18. And this is a text exchange between you and
2 Brian Kilmeade. I assume that's Brian Kilmeade of FOX News. Is that correct?

3 A That's correct.

4 Q So at 3:56 p.m. on the 6th Mr. Kilmeade wrote, "How is he not on TV
5 demanding they evacuate? This is a disaster."

6 You wrote back, "It's awful. Totally wiped out the last 4 years of achievements.
7 I'm so sad. I'm not there anymore but I can't even watch."

8 Do you know what the answer to Mr. Kilmeade's question was, why "he",
9 presumably the President, was not on TV demanding that people evacuate?

10 A I don't know.

11 Q Okay. Did you convey to anybody at the White House that the President
12 should ask people to evacuate?

13 A Not that I recall.

14 Q Okay. Did you later learn of anyone who encouraged the President to ask
15 his supporters to evacuate the Capitol?

16 A I only know of those instances through news reporting, so I don't know
17 what's accurate.

18 Q Okay. So nobody told you that they or others had gone to the President
19 and encouraged him to ask people to evacuate the Capitol. Is that correct?

20 A Correct.

21 Q Okay. And then Mr. Kilmeade wrote, "Turned on Pence. Think he's happy
22 about it. Hurts all." And I know this is Mr. Kilmeade's words, but when he wrote,
23 "Think he's happy about it," what do you think that it was that the President was happy
24 about?

25 A I don't know. I'm sorry.

1 Q Okay. Has anybody ever told you that the President seemed happy about
2 the attack on the Capitol?

3 A No.

4 Q Has anybody ever talked to you about what the President was doing while
5 the attack on the Capitol was going on?

6 A I can only reference news reports. I don't know what's accurate. I
7 haven't spoken to anybody.

8 Q Okay. Has anybody talked to you at all about any conversations that they
9 had with President Trump on January 6th?

10 A No.

11 Q Do you have any knowledge, whether direct or indirect, regarding whether
12 President Trump wanted to go to the Capitol on January 6th besides from what you've
13 seen in the media?

14 A No, nothing other than what I've seen in the media.

15 [REDACTED] Okay. I'll pause there. Does anybody else have questions?

16 [REDACTED] A few questions from me, [REDACTED], if that's okay.

17

BY [REDACTED]

18 Q First, I just wanted to go back to exhibit 17. And this, Ms. Hicks, is your text
19 exchange with Julie Radford. I want to go to the page ending in 045.

20 And just for some context here, Ms. Radford is talking about a conversation that
21 she had with who I assume is Judd Deere. And then you respond, "I know. Is she
22 appalled or indifferent?"

23 Who were you referring to in that message?

24 A I don't know.

25 Q So Ms. Radford responds to the message and she says, "I was with them

1 tonight for about 2 hours. It was interesting. And Jared said something very
2 interesting that makes me think they know."

3 Do you think perhaps that was a reference to Ivanka Trump and Jared Kushner?

4 A Most likely. I was reading the reply by Julie. Sorry, I wasn't reading that
5 previously. Most likely, yes.

6 Q Sure. And did you ever learn from Ms. Radford or anyone else about this
7 conversation that she's referencing here was Mr. Kushner and Ms. Trump?

8 A Not that I remember.

9 Q What did you interpret her to mean when she said, "Jared said something
10 very interesting that makes me think that they know," to the extent that you thought
11 about it at the time?

12 A I'm sorry.

13 Q Okay. I know [REDACTED] asked this sort of broadly earlier, but I just wanted
14 to zero in on a few specific names.

15 Did you ever speak with Eric Herschmann about his experience at the White
16 House on the day of January 6th?

17 A No.

18 Q Did you ever speak with Dan Scavino about his experience at the White
19 House on January 6th?

20 A No.

21 Q Did you ever speak with Mark Meadows about his experience in the White
22 House on January 6th?

23 A No.

24 [REDACTED] All right. That's all I have.

25 [REDACTED] Did you ever talk to Vice -- sorry, before we jump into the next

1 one -- did you ever talk to Vice President Pence about what happened on January 6th?

2 Ms. Hicks. No.

3 [REDACTED] Okay.

4 So go ahead, [REDACTED]

5 BY [REDACTED]

6 Q I just want to go back through some of your testimony, Ms. Hicks.

7 So it sounds like you didn't think -- and you said this multiple times -- but you
8 didn't think anything good could come from the rally on the 6th. Is that right?

9 A That's right.

10 Q And part of that was because I guess at that point there was nothing that
11 could be done about the election or the certification of the election and having all those
12 people in D.C. just wouldn't be helpful. Does that fairly characterize your testimony?

13 A Yes.

14 Q Okay. And I know it sounded like you had concerns such that you went to
15 Eric Herschmann and suggested that the President put out a tweet or some statement
16 encouraging people on January 6th to remain peaceful. Is that right?

17 A That's right.

18 Q Okay. That, of course, it didn't happen. But then I guess the President in
19 a tweet like that would be speaking to his supporters, correct? I mean,
20 counterprotesters, others might not necessarily be listening to the President and his
21 expressions of peacefulness or nonviolence.

22 A Yeah, but if a counterprotester is trying to engage in something like remain
23 peaceful, don't engage, don't try to engage in the conflict, I think it would have had an
24 impact if that was the situation at hand. Obviously, that's not what unfolded, but that
25 was what I had in mind.

1 Q All right. Okay. Fair enough. And ultimately what happened though is
2 that it was Trump supporters who led kind of the attack on the Capitol, the events of that
3 day that we're here discussing. Is that your understanding as well?

4 A I have no reason to think otherwise.

5 Q Okay. And when the attack was going on you texted folks that this was
6 something that you had been concerned about, you had predicted, that you had asked
7 the President to tweet nonviolence about earlier. So I guess just help me understand --

8 A Yeah, that's not what I said. I said that my text messages where I said that
9 this was a predictable outcome wasn't in reference to anything specific that was taking
10 place, just that I didn't believe where everything was headed was going to end well.
11 And that could have been as simple as his legacy not being as solidified and positive as I
12 believed it should have been given what he accomplished or some variation on that
13 spectrum. Obviously, this was way down at the other end. But I just felt that this was,
14 you know, this not ending well was predictable based on what had transpired since
15 November 7th.

16 Q So all of the things the President had done up to that point, encouraging his
17 base that the election had been stolen, gathering on January 6th, all of that was kind of a
18 natural consequence and came to a head on 6th. Is that right? Again, I don't want to
19 put words in your mouth.

20 A Yeah. No, I just didn't think that what took place after the election was
21 over was productive in any way for anyone and that if things had been done differently
22 things might have ended differently.

23 That's my position. I don't have specifics. I certainly had no -- I could never
24 have imagined what took place on January 6th. But I just generally didn't have a good
25 feeling about the direction things were going after the election and certainly in the days

1 leading up to January 6th.

2 Q Fair enough. And I certainly wouldn't expect you to be clairvoyant or
3 anybody else to be clairvoyant. But you mentioned that if things had been done
4 differently things could end differently. What are some of the things you think could
5 have been done differently in order to change the ultimate outcome?

6 A I mean, I think that there's a process that's typically followed when there's a
7 new President that's elected. We had gone through that process just 4 years prior.
8 Those kinds of things.

9 Q So not saying the election was stolen, letting the courts resolve any issues,
10 have the electoral college vote be kind of the settle point. Are those types of things as
11 well?

12 A Yes. I think everything you just mentioned falls under peaceful transition
13 of power and all corresponding with traditions that have been upheld for a long time.

14 Q Thank you, Ms. Hicks.

15 [REDACTED] Does anybody else have any questions?

16 BY [REDACTED]

17 Q Okay. So I'm going to ask you a couple questions that I know are going to
18 sound redundant, but I just want to make sure I haven't missed anything.

19 Did you have any conversations with President Trump about January 6th ever,
20 other than what we've covered during this interview?

21 A No.

22 Q Okay. And can you recall any conversations with President Trump about
23 the 2020 election, other than the ones we've covered during this interview?

24 A No.

25 Q Okay. Do you have any other information that you want to share with us?

1 A No.

2 [REDACTED] Okay. Before we go off the record, I just want to make sure nobody
3 has any last questions.

4 Okay. Sounds like not.

5 So, Ms. Hicks, thank you very much for your time and your cooperation. We
6 greatly appreciate it. We will leave the record open in case either you think of
7 something you want to come back to us and correct or add to your testimony or in the
8 unlikely event that we need to go back to you and ask further questions, but I don't
9 anticipate that we will.

10 And then also, as your counsel indicated, he was going to send us some of those
11 emails from Dick Morris, but that doesn't sound like anything that we're likely to need to
12 ask you about on the record, but if we do we'll follow up with your counsel.

13 So unless anybody else has anything we will -- oh.

14 [REDACTED] do you have something?

15 [REDACTED] No, I was just going to say I don't have any further. Thank you.

16 [REDACTED] Okay. All right.

17 Then, with that, we will go off the record, and thank you very much for your time.

18 Ms. Hicks. Thank you.

19 Mr. Trout. Thank you.

20 [Whereupon, at 4:03 p.m., the interview was concluded.]

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Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date